

**ICANN
Transcription
New gTLD Auction Proceeds CCWG Charter Drafting Team
Thursday, 23 June 2016 at 11:00 UTC**

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The audio is also available at: <http://audio.icann.org/gns0/gns0-new-gtld-auction-proceeds-23jun16-en.mp3>

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Attendees:

ALAC

Alan Greenberg

ASO

None

ccNSO

Will not be participating in the drafting team

GAC

Olga Cavalli

GNSO

Tony Harris
Jonathan Robinson

RSSAC

Brad Verd

SSAC

Russ Mundy
Lyman Chapin

Board

Board Liaisons

Erika Mann
Asha Hemrajani

Board appointed staff advisors
none

Apologies:
Sylvia Cadena
Samantha Eisner (Board appointed staff advisor)

ICANN staff:
Marika Konings
Julie Hedlund
David Tait
Terri Agnew

Coordinator: The recording is 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 the 23rd of June, 2016.

On the call today we have Tony Harris, Olga Cavalli, Brad Verd, Russ Mundy, Alan Greenberg, Jonathan Robinson. Our Board liaisons are Erika Mann and Asha Hemrajani. We have listed apologies from Samantha Eisner and Sylvia Cadena.

From staff we have Marika Konings, Julie Hedlund, David Tait 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 back over to you, Jonathan.

Jonathan Robinson: Thank you, Terri. Hi, everyone. It's Jonathan Robinson. I'll be chairing today's call and you should have seen an agenda posted to you via our email list. You'll see we've got really two substantial items to try and cover; a

walkthrough or review of the latest version of the charter, and any preparation we'd like to do for our sessions in the forthcoming ICANN meeting in Helsinki.

Very much like to target getting this meeting done in 90 minutes. It's normally scheduled for 120 so in order to achieve that we'd like to make sure that everyone gets to say what they need to, and I don't want to, in any sense, curb any discussion but if you could bear that in mind that we've got a target to try and finish in 90 minutes if possible, that would be great. Thank you, Erika, for your support in that respect.

Okay so let's – the latest version of the charter was circulated a few – dated the 16th of June, in fact, a little around a week ago. I then went through that this morning my time, in other words, ahead of this call, and made a series of minor, primarily, editorial comments. And so that's the version I would like to review.

Marika said she made a couple of other minor changes with spelling and so on. I'm very happy to talk through and highlight all of those changes that were made at least to the extent that they've got any substance to them. And if anyone else has other points to raise as we go through it, please do, and I'll do my best to steer us to exactly where we are in the document at any given moment.

And then that will form the document which we will then put before the community in Helsinki and talk and receive feedback on. And on that basis we will then make final revisions prior to submitting to the chartering organizations shortly after Helsinki.

So I think the way – and Marika has informed me that there are some challenges with showing the document with all of the current edits, at least it should be seeing them and so on. So, Marika, can you confirm, is this a clean version of the document then, a clean version of the latest document?

Marika Konings: This is Marika. No, it still shows all the changes. The challenge is that for some reason Word doesn't show who made which changes. So I think this still has changes that were made, you know, prior to the last call then as well the changes that were made by Julie following the call as well as your edits and some of the edits I made.

I am suspecting that I think what is in blue are the changes I believe that you may have made, but maybe you can confirm that by looking at the first few that are in there. And I think all the red ones are basically I think from the older changes that were made following the different calls we've had. So if you can just maybe look at the blue changes and confirm that those are the most recent ones you have made and that may make it easier to review the document.

Jonathan Robinson: Okay so I'm looking at the goals and objectives session – section. And for everyone's perspective you can magnify and scroll the documents on your own so right now I'm looking at goals and objectives on Page 2. And I see there – let me see – try and look to another one and see if those blues are correct. No, Marika, unfortunately not. It looks like some – my changes – and I'm not sure these are the only changes. In fact they almost certainly aren't. But certainly the changes I made – I see but I don't think that covers all of the changes. You know, so I can see the problem.

I have a Word document in front of me so I can flip between them but it will make it slightly difficult. So, Marika, if I could ask you to just call out if I'm ignoring someone's hand up in the chat I'll just delegate that to you. And hopefully I'll be on it but if a minute or more than just let me know because I may flip between screens to highlight the changes.

So let's – so first change I made, and this is potentially material, I'd like you to see it and understand it, is in Section 2, problem statement, goals, objectives and scope. And it's the last paragraph just before we go into the goals and objectives section. And you'll see in my screen it's highlighted in red.

And I've prefaced that comment, and I've said, "From the perspective of the Board, as noted in the February 2016 letter, what I've added is, "From the perspective of the Board" because it then goes on to say the "CWG is empowered to gather ideas and create one or more proposals which the Board will consider in final decision making."

Now, I know that many in the community will not see it as the Board's prerogative to empower the CCWG. So it's fine that the Board has that perspective but from the community's point of view, and sort of bottom up process that this is, the community empowers the CCWG. Of course the Board then decides what it will do with that so it's useful to know what the Board's perspective is, but the Board doesn't technically empower the CCWG, so that's why I modified that wording.

And of course please come in if you have any concerns or counter perspectives, but I thought it was useful to explain that. I don't think it changes it materially but it does – it's just important to understand why that change was made.

Next one in scope, under Bullet 4 so scope is at the bottom of Page 2, which we were looking at previously. And so just flipping between screens here to make sure I get both. So in Bullet 4 we had said "avoid any conflicts of interest." And actually we don't expect – as Alan pointed out previously, and as we discussed, we don't necessarily expect the CCWG to avoid conflicts of interest; we expect it to deal appropriately with conflicts of interest. So there's a difference there and that's why I modified Bullet 4 to say "not avoid any conflicts of interest" because we really want the CCWG to take appropriate measures to deal with any conflicts of interest.

In other words, so can you say we should – let's be very clear, let's separate out the two points here, and I see your point, Asha, in the chat that you say you think we should avoid and deal with. Agreed, it's not possible to avoid

completely. And in particular, I think there are different thresholds, and Alan pointed this out with (articulately) previously. There is a different threshold in the work of the CCWG, where we need to know and understand any potential conflicts of interest, and the work of the – of any organization that then later seeks to disperse the funds that comes out of the CCWG where the threshold – the tests should be higher.

So typically the way it works in the ICANN community is that declarations are made via statements of interest so we know and understand people's perspectives, and then in – where a body has executive power, such as the current ICANN Board, those conflicts of interest are declared via – are dealt with via a more comprehensive conflict of interest policy.

Alan, come in.

Alan Greenberg: Thank you very much. It's Alan speaking. In a normal context within ICANN it would be almost laughable to have to include this. We are continually dealing with conflicts because we have interested parties participating in the discussions on things that are going to affect them. So conflict of interest is the normal mode within ICANN. And we deal with it through a number of different processes. And I don't think it would be even necessary to highlight those if this was a typical PDP, you know, PDP or working group. But it isn't, it's something that's dealing with huge amounts of money and therefore conflict of interest becomes a fiduciary conflict of interest and has all sorts of other implications.

And we're trying to cover things here in one statement for both the CCWG and its recommendations. So I think we need to say avoid and/or – or disclose and/or avoid, as applicable, conflicts of interest. Or avoid document, you know, document, avoid – I'm not quite sure what the right words are. Wordsmithing on the fly isn't good. But I think we have to cover the range of things in a global statement with as "an applicable" because judgment call is going to be needed at the various times.

And I don't think we can lay it out in great detail. But I think it's going to be semi-obvious at the time when we have to consider those. Because we're looking at such a range of things trying to be covered by one clause. Thank you.

Jonathan Robinson: Thanks, Alan. I just take issue with one small point that you made. You said we're trying to deal with both the CCWG and success organizations. In this section we say "scope" (unintelligible) CCWG is expected – we're dealing specifically with what we expect from the CCWG, not any successor. So that's why...

((Crosstalk))

Alan Greenberg: Excuse me, Jonathan, the – the lead-in sentence says, "as well as final recommendations."

Jonathan Robinson: I'm with you, okay. Fair enough. That's fair enough. Okay, good point. All right, go ahead, Asha.

Asha Hemrajani: Can you hear me? Hello?

Terri Agnew: Yes, we can hear you.

Jonathan Robinson: Okay, thanks. Thanks, Jonathan. So I agree with what Alan just said, you know, in normal ICANN business conflict of interest is an everyday occurrence. But in this particular case we're talking about hundreds of millions – over \$100 million so conflict of interest you have to be a little bit more particular about.

So I would like – if it's all right I would like to have – deal with – sorry – avoid and deal with if that's possible. But if not possible – if not – if here is avoid problematic then I'm happy with deal with on its own. But I'd like to have both

if possible, because – simply because of the two areas that this is meant to cover, both the CCWG as well as the final recommendations. Thank you.

Jonathan Robinson: Thank you, Asha. So again I'll suggest to you that we perhaps need different thresholds in the work of the CCWG as opposed to the work or the disbursements. And maybe we need to break that. I mean, Alan suggested some text, and maybe, Marika, you've captured that and are able to post that in the chat, for example. Alan had – was getting close to the mark there anyway with the right target text.

Erika.

Erika Mann: Yes, I'm a bit split. I see what Alan and Asha are saying but for me the difference between what you have written and adding "avoid" is not a big one because, I mean, what you do is practically highlighting that there shall be no conflict of interest and that it's – so I'm not so sure if adding "avoid" really adds a lot. But I'm fine in supporting the (unintelligible) what the majority of the colleagues want here.

I added "all" – I'm not sure if the word "all" will add much more in the chat. So instead of just saying "appropriate measures" take "all appropriate measures" just one – maybe just to tighten the words again and ensuring that the intention of the sentence is well understood.

Jonathan Robinson: I like that suggestion. I'd like others to consider what Erika has said, notwithstanding what's been put in the chat because actually – in a sense our job is to direct the work of the CCWG. And if we say "take all appropriate measures to deal with any conflicts of interests," that may be sufficient as a kind of principle or charter type point. Russ, go ahead.

Russ Mundy: Thank you, Jonathan. I think that would be a good approach to solving this two-part problem from the earlier discussion. So it seems to me that if we are going to try to deal with – well, conflicts of interest associated with the people

and activities of the CCWG, if you will, in the functioning of the CCWG, as well as in what goes into the – constraining, if you will, in some manner what goes into the final recommendations it seems to me that it would be better to deal with them in two separate phrases so they can be more readily understood, although I do like the latest suggestion of just adding “all” to the current one rather than trying to be quite so explicit. Thank you.

Jonathan Robinson: (Unintelligible) suggest we do to take all of what’s been said into account is that we actually do go with the more comprehensive point now. And I can tell you later in the charter there are other references to conflict of interest so that may – may be that we’ve gone too far. But for now I would suggest we have the wording and we go like this.

We say “take all appropriate measures to deal with conflicts of interest, which includes disclosure as part of CCWG deliberations as well as avoiding conflicts of interest in subsequent recommendations.” So I think we make it clear that we – as – I mean, I prefer the more elegant language of just going to take all but I accept that others would like to see a more belts and braces type approach. So let’s go with that.

Okay great, let’s try and move on then. So Marika, you’ve got your sort of instructions there. And I see you’ve captured that in the notes. Thank you. Or David has.

All right, Alan and Erika, if you could remove your hands assuming they are no longer required and they were part of the previous points, and then I’ll go onto the diversity issues.

Now here on diversity issues I did two things. I really just reformatted that point because it was a – if you look above we’ve got a very crisp single bullet, “ensure transparency, provide sufficient accountability,” boom, boom, boom, and then we go onto this long sort of more rambling point about diversity.

So I wanted to capture the essence of it which is deal with diversity issues. And then if we do want to continue, and I'm not suggesting we don't, by giving all the detail, we put that below. And that really was mostly formatting. The one thing I did do was I modified Sylvia's point which said "in line with ICANN's mission" to put "consistent with ICANN's mission."

I think that's a more formal way of putting it and a more, if you like, legalistic way. If she or others come back and push back on "in line" I think the ultimate meaning is probably the same. I simply prefer consistent with as a more – as a more, in my mind, clear point. But so there's been no material change to that point apart from that.

Thanks, Asha, for your expression of preference there on consistent. And in fact I then go on in the next point down where we go, "As part of the deliberations of CCWG," I think inserted saying – I made a further modification with utilize consistency again. And I said in that first bullet "allocation of auction funds will take into account the need for auction funds to be utilized in a manner that is fully consistent with ICANN's mission." So it really expresses that more tightly.

Asha, I'm on Bullet 1 on the next section after diversity where it says, "As part of its deliberations the CCWG," and then it goes into a set of bullet points. And the first bullet point it says, "utilize in a manner that is fully consistent," I insert, rather than just to be "need for auction funds to be," I said "utilized in a manner that is fully consistent with ICANN's mission." So it really makes it very explicit.

Russ?

Russ Mundy: Thank you, Jonathan. I'm, I guess, slightly concerned – only slightly – with the different wording in those two phrases. One says, "fully consistent" and one says "consistent." I could see where we could get into arguments in the CCWG and some of the actions there as to what is the difference between

the two? Because the wording itself is not identical. So it might be better to use consistent wording between the two locations in the text. Thank you.

Jonathan Robinson: You're absolutely right. I think it's correct. And this is the kind of nit-picking and I don't mean that in any way pejoratively, that will go on. And you're right, we need to make sure that the document itself is self-consistent. So I'm happy with modifying either in fact. Go ahead, Alan.

Alan Greenberg: Thank you very much. Remember, this is an area where we have yet to receive any input from the ICANN Board, and we have explicitly asked for direction there. And hopefully we'll get some sort of indication of what's happening or what the discussions are in the next day or so prior to our presentation. And we may even want to modify the words of that point.

From my personal point of view, I'd like to see a double negative, is not inconsistent, because, again, I think we want to give the ultimate distance – dispersal of funds as much flexibility as possible. So I like keeping things as loose as we can within the constraints that we have to put. But this is something we may want to change on the fly as we get closer to Tuesday or Monday, whenever the session is. Thank you.

Jonathan Robinson: As the author of that change I'm very happy for them both to be made consistent and to read "not inconsistent with ICANN's mission" subject to further future input. So from my point of view they can both read, "not inconsistent" and that will be – they'll be self-consistent then so that's fine with me. Checkmark there from Alan. So let's go with that for the moment. And we're therefore dropping fully and we write, "not inconsistent."

(Unintelligible) point as we scroll down from there, we're on Page 3 still and we go to the fourth bullet point, which is highlighted in yellow. And I think here the reason I highlighted this was for the same points we discussed on conflict of interest previously. And I thought it was just – I wanted us to all reread and make sure it meant what we intended to mean.

So for example, the thought that struck me, we've asked for it here and by all to a conflict of interest policy. Now as I said earlier, a conflict of interest policy really, in my mind, applies to a group that has an executive function like a board. And in this case we don't have a board, we've got a group designing a process, which will then have the executive function. So have we gone too far here in dealing with this for the CCWG? And in fact, precluded those with perhaps relevant expertise or otherwise from participating?

So certainly one would want mainly to update the statement of interest, that's a given. But do we need all of the CCWG to adhere to a conflict of interest policy or would we want that the case and then subsequent executive function? So that was why I highlighted this for just some further input and thought. And it may be that we take this to the community. This could be a nice – one of the ways of dealing with a community session like we're going to have which we'll talk about in the next – third point is to have some questions.

So before I go to Asha I'll just propose that this is potentially one area that we discuss with the community. Go ahead, Asha.

Asha Hemrajani: Yes, Jonathan. So to address your question directly, in my perspective, because we're dealing with such a large sum of money, I think it would – it would make sense to err on the side of caution and err on the side of being conservative. And at least require or expect some level of – I mean, a decent level of standard in terms of conflict of interest. And at least require that there should be proper disclosure.

So I'm not suggesting we should exclude excellent expertise but there should be some – there should be this general consent – there should be this general understanding that because we're dealing with such a large sum of money we have to maintain high standards. So you have to tell us – anyone who joins the CCWG has to, because that person will be contributing to the

development of the processes, that person should be held to a higher standard and be – must be – must review what he or she does – what, you know, disclose any possible conflict of interest.

And if it was possible, yes, we should try avoid it. Just because we don't want fingers pointing later on because we're talking about a big deal, a big sum of money. So I would like to err on the side of caution. Thanks.

Jonathan Robinson: Thanks, Asha. I hear you. And it feels to me like we've got a perfect point and then Erika seemed to agree with this. Alan, we're on Page 3, around the midpoint of Page 3 a highlighted section where it talks about this. And my proposal to this group, and I see agrees with Asha, but my proposal to you before I come to Erika, is that we do take this. We can make a position, fine. We can say that our position is that there should be unusually high standards applied to this workgroup on conflict of interest.

And we'd like to highlight to you and get feedback and thoughts on that. And we can give the rationale, as Asha just – that Asha just produced and so on. Go ahead, Erika.

Erika Mann: I think in – it's good to support Asha's point and we discussed this before but we need to be – and I support you there, Jonathan – it's good to bring this and discuss this with the community because what we want to avoid is the impression that there's a group dictating the standards. I think it's important for those who have the judiciary and fiduciary responsibility to make the point why these standards are so important and so relevant in this case. But it's important that the community is, from the very early phase, aware that these kind of standards how they are framed and how they are set so that they don't feel excluded and surprised by it later on.

Jonathan Robinson: Thanks, Erika. Marika.

Marika Konings: Yes, this is Marika. One question I had in relation to this sentence is it's referring to a conflict of interest policy. Is there a specific policy that is being – this is referring to? Or is it the idea that the CCWG or this drafting team would design that conflict of interest policy? You may want to think about, and I think it comes back as well in the other point that was made of ours in relation to disclosure, you know, one approach might be as well to look at the statements of interest and see whether specific information should be requested with regards to this specific effort.

For example, you know, are you, or is the organization you're representing or working for intending to apply for these funds? Which of course goes to the fact that people should disclose, you know, what their interests or intentions are. Which in the current form of the statement of interest may not, you know, be asked in such a specific manner.

So and again, I agree, this may be specific point that is a good point of discussion for the community session but maybe to work on the things to some of questions or suggestions that may make that debate even easier.

Jonathan Robinson: Marika, I think that's along the lines of my thinking. I think we can start a little but we shouldn't take the whole (unintelligible) on this, we shouldn't get too sidetracked on it. It feels to me like a perfect area for dialogue with the community based on our thinking or a little bit enhanced thinking today.

Russ, come in.

Russ Mundy: Thank you, Jonathan. I was having a difficult time getting my mind wrapped around how we can be more specific with this work at this time. And how the mechanics of it would work. I think Marika brought some excellent points there. If there is a policy that's already written that could be referenced to in the draft I think that would be fine.

I don't think we want to try to write a policy statement if – and if we get into more specifics here with what we're doing it almost sounds like we would be dictating that the very first thing that the CCWG had to do would be to create such a policy. And yet since the members will be appointed by the SOs and ACs, how will the people know that they would qualify?

And so you get into a circular kind of condition. I think the exact correct thing to do here is what you have just suggested is stay with words of this nature and very specifically for community input. And that may be one of the largest areas that we get input on. I personally hope that it is. Thank you.

Jonathan Robinson: So thanks, Russ. So in terms of that and acknowledging Tony's point in the chat that, you know, one area might be, you know, what is required? Is it a policy? Is it a guideline? You know, what – so it's about the details in and around this that we could take feedback from. And then, as a drafting team, pick this up and finalize our (unintelligible) post Helsinki. Alan.

Alan Greenberg: Thank you. I think we're belaboring this point far too much. The CCWG, when it forms, is going to have plenty of people around who are worried about conflict of interest ranging from ICANN Board members to staff, to legal advice – internal legal advice. We're not going to forget about it. And there's going to be lots of opportunity. So I don't think we need to provide these instructions to the ccWG at this level of detail. I - yes, I think we're - yes it's an issue that will have to be covered.

There's no way we're going to possibly forget it when we come down to that in the ccWG. So I think we're putting far too much work into it now. Thank you.

Jonathan Robinson: Thanks Alan. I'll go straight to Asha.

Asha Hemrajani: Yes, thanks Jonathan. I have a slightly different view from Alan. I don't want to belabor the point too much, but I'm - I also agree with what Russ just

mentioned which is we don't make this a requirement or we don't improvise this issue being important at this stage, then we may not be able to prevent any - we may not be able to be - we may not be able to do our part in avoiding conflict of interest. Because the ccWG may be populated by members who do have conflict of interest.

So why not - I liked your first idea which is what you mentioned a few minutes ago, Jonathan, which is we put something together and we go back to the community with that. And I would think that it - I'll - I'm not too worried about this appearing that we're - that this is a top-down approach -- that we're dictating what the ccWG should do.

I think this particular area -- this conflict of interest -- is so important because we're dealing with - we're talking about such a large sum of money that it would be worthwhile to make a very clear that conflict of interest is a very important issue.

And that if we have something here about it - if we have something create - if we have a policy or a skeleton of a policy now, then we can help ensure that the ccWG is appropriately populated because then whoever applies to be a member of the ccWG will understand beforehand that, "Oh, okay, I - there is this - conflict of interest is being taken seriously. I need to make sure that I have no potential - or I have tried to avoid any potential conflict of interest before I become a member."

So I'm all for not dictating too many things to the ccWG, but this particular area I think is important enough to say something early enough. Thank you.

Jonathan Robinson: Thanks Asha. And I think that that's captured it as well. It seems to me like this is a pretty clear view within this group that we need some decent threshold on conflict of interest.

And the important point from a kind of ICANN community affect to this is we've made the unusually high - we as a drafting team do seem to believe that they should be unusually high. There's a question of the schematics and description of that -- and I think we're telling the community that is our current prospectus and we'd like some feedback on that -- whether that's - and that's really what this is - this feels to me to be about.

It's worth flagging this as a kind of unique and unusual point in this charter and it may need refining as I say on the schematics and the exact nature of it -- but really flagging that this is where the group's at this stage. We want to see high standards on conflict of interest because of the funds involved and because it's ultimately going to lead to disbursement of funds.

So that seems to me to be the subject that we should highlight in the - in this discussion. And it will be useful to have some good discussion points and some chunky discussion points that works for the community. So that could be the case.

Exactly, Asha, as we said. I mean I think we do have already - that's why I highlighted it. I wanted everyone to think about that -- that actually we do already have -- this is unusual what we're putting in here.

And the question is, A, it's unusual, B, will there be a differentiation between what happens in the population organization of ccWG and any subsequent group that gets developed? Because the ccWG itself is going to say, "Right, any future organization that deals with the disbursement of funds -- if it's not the ICANN board -- should have a conflict of interest policy equivalent to the ICANN board."

Now I'm not saying this goes with the charter, I'm just suggesting where that might go, so that's the kind of thinking at this point.

All right, Marika?

Marika Konings: Yes, this is Marika. Just one last point specifically in relation to Asha's comment because I think it will need to be clear upfront what indeed the requirements are in relation to conflict of interest if that would indeed prevent anyone from joining.

If there are any commissions attached to, you know, having an interest or if you don't declare on that later. So this may be an area where further work is needed -- either by the drafting team or, you know, whatever form that takes because - and there are potential challenges if that is done as part of the ccWG itself.

If there is indeed, you know, if it comes back from the community that people believe there should be clear, you know, conflict of interest requirements that apply even before people, you know, sign up so that it's clear upfront.

Jonathan Robinson: Marika and (Jeff), it will be contradictory to give the job to the ccWG. The trust team has to do an element of this because that's going to define ultimately the potential - has the potential to define some of the constituents of the ccWG -- so acknowledged, it has to be dealt with.

And I think we're starting to do that now, we just can't complete that work until - well, so that it makes sense to highlight this with the community in Helsinki and discuss it. It feels to me like we are on the same page more or less, but let's hear from Alan.

Alan Greenberg: Yes. (Unintelligible) I think we're being somewhat anal about referencing conflict I think six or seven times in this document. If there are any requirements that we believe have to do with how the cWG is staffed and how the cWG is populated, that's something we must put here.

So that's the one area we must be specific, because the population of the group is going to happen as a result of the charter. I'm not a 100% convinced

we need to worry about it at that level for the cWG. But if we do, then indeed that's something - that is one area we need to be specific on. Thank you.

Jonathan Robinson: Thanks Alan.

Woman 1: Thanks Jonathan, and I just wanted to second what Alan just said. I think this is something we - so I like what you have on the yellow text. My - I wasn't very clear what I meant. I wanted to add something specifically about the population of the cWG.

And then Russ had a question about whether it should be any difference between ccWG members and I think the other ones the participants and observers. At least from observer perspective, there's no need for such high standards. But for members and contributors - no, members and participants rather, there should -- at least for members, the highest level of COI should be required.

So if we can add something about - some text in there about the (unintelligible) population that would be good. Yes, so like I said, I shall correct appointed members, participants and observers, correct, yes.

So I know you - Jonathan you were saying that this is the recommendation we make, but I'm saying can we add some text first and then we go back to the community? Or do you want to leave it as it is now because I think it will - might be helpful to have text specifically related to the population of the ccWG and then go the community with that. Thank you.

Jonathan Robinson: Not quite sure (unintelligible). I'm reading it and open to suggestions. So for example, in that yellow highlighted text we could say, "Including by adherence," which I think is what we mean anyway -- including to adherence by all to a conflict of interest policy by all members -- conflict of interest or all members and participants.

We could say something along those lines. Erika?

Erika Mann: Include the members - the participants might be a little bit tough because it depends actually, you know, on the people who want to participate. Can we really ask them all to disclose all their conflict of interest or to shy away from even participating?

I think there's a little time misunderstanding we are having in a moment. Because I think we assume that the ccWG (unintelligible) who really responsible for the allocation of the fund. We haven't talked about it and it's too early even to talk about it.

But my understanding would be that this would be probably a different group or would be some entity different from the ccWG. So insofar I think I would rather recommend to stick with the members to have the - to ensure that there are the highest standards possible -- but maybe not to go further.

Jonathan Robinson: So there's two good points there. And one in my mind, there is no doubt that the ccWG is not responsible in any way for the disbursement of the funds. Their job will be to set up the mechanism and/or process for them.

So that's my understanding -- there's no way that ccWG will make recommendations as to the specific disbursement of funds. There are mechanisms and processes for that.

In my mind, that leads to (unintelligible) next step that actually there is certainly as I said before lower threshold on the conflict of interest requirements for participants or members in the ccWG relative to a successor organization which will deal with the disbursement -- which will have an executive recommendation to the board -- to the ICANN board.

And then separately on this issue of participants and members, I think this is quite tricky because normally members have some power over and above

participants. And if they were - could - if things were put down to some form of consensus call, vote or participate in that consensus call.

But for the most part, they will be essentially on equivalent terms as Asha pointed out. And so I don't know whether we want to go down that route and distinguishing between members and participants. Alan, go ahead.

Alan Greenberg: Thank you, Jonathan. You - you've said pretty much what I was going to say. We already said that we will not make disbursements. The ccWG -- the last sentence of the Goals and Objectives make it really clear with a upper-case "not." So I don't think we need to worry about that in the membership level.

We have always treated members and participants equal, yes. Members have technically a voting or polling capability experience with our current recent cWG, ccWGs -- says co-chairs (are) very reluctant to pull that card unless it really becomes serious.

So for all (intensive) purposes, members and participants are equal. If we now start rules saying you cannot even be a participant -- which is a voluntary thing -- if you have a potential conflict.

We're going down a road where I don't think we want to be. So I think disclose is as far as we can go in members and participants. And otherwise, we're going to get really, really ugly. So let's not go too far on this one. Thank you.

Jonathan Robinson: Thanks, Alan, but I do think we had a good point from Marika and (unintelligible). I thought - I detected a sense of support on matters that we may want to -- for the purposes of this particular -- and I'll be very interested in your response to this. But for the purpose of this particular ccWG, we may want to make certain (requirements) on disclosure.

So for example, in the GNSO there's a very specific format for statement of interest. But this doesn't necessarily (feed) out to all the details. And in other chartering organizations, there may be very different disclosures required -- or forms of statement of interest.

So for example, we may want to require that we won't set the terms for statement of interest. But we will require a minimum threshold of disclosures to be made. It's that kind of thinking that we might want to put a, you know, mandatory SOI with mandatory key disclosures, for example.

Alan Greenberg: Jonathan, I would support that fully. I'm just saying I don't think we can go any farther than disclosures. And I will point out that we're saying there's a million dollars at stake here -- it's a lot of money. We normally have PDPs and other working groups that make recommendations which have implications far more than a million dollars on the participants of those working groups.

So it's not as if big money is a new thing to our policy processes. This just happens to be our money at this - in this case. Thank you.

Jonathan Robinson: For the record, Alan, it's a hundred million -- not a million.

Alan Greenberg: Sorry, correct.

Jonathan Robinson: Okay, so let's just - to try and get a threshold here, I know Asha you have argued for more than this and I think I understand that. But at a minimum we're expecting statement of interest with certain pre-defined minimum thresholds in them -- and possibly even going further to have a conflict of interest policy -- and this is the point for discussion is being with the community.

Okay, I'm going to push us on from this a little more. But because part of this we'll come back to and format and nature of our discussion with the

community. So just for the moment, I'll put us on to some other points and hopefully they're less complicated to deal with.

Yes, so actually let's - I don't know how to modify that text and I think in the end the text -- if there is - if there's additional text - the moment of (text) -- the ccWG must maintain high standards on the issue of conflict of interest -- including adherence by all to a conflict of interest policy.

And the maintenance of up-to-date statements of interest -- we should - we could say beyond that -- which will include certain mandatory disclosures. And then we go on to say the ccWG should also include clear and comprehensive conflict of interest requirements to guide the disbursement processes.

I'm - I stayed with Asha - on the back of your comment, I stayed with the same yellow highlighted bullet point because, you know, appears to not be satisfied that we could advance. So I'm giving a suggestion now as to what - how we deal with it.

The ccWG - I'm going to go back to this yellow bullet point. So the ccWG must maintain high standards on the issues of conflict of interest -- including adherence by all to a conflict of interest policy -- and the maintenance of up-to-date statements of interest.

And then here we add something -- which will include certain mandatory disclosures specified by the drafting team. And then we go on to say the ccWG exactly. Alan, come back on this.

Alan Greenberg: Thank you again. You've just channeled what I was going to say. We have to specify those mandatory requirements before we send this charter to the chartering organizations for approval and comments.

There is no step between us finishing our work and a call for participation. So it's fine to say certain mandatory requirements at this point, but we have to fill in that blank before we finish. That's all, thank you.

Jonathan Robinson: Correct, we will do - and this - when we've had our meeting with the community in Helsinki, we will come back to the drafting team, revise and finalize the charter and then ship it out to the chartering organizations. This isn't our last crack. Russ?

Russ Mundy: Hi, thank you Jonathan. I guess one of the concerns that I have about the current wording -- and since it really is a working draft at this point, I think it's fine as it is.

But I wanted to point out that we're using phrasing in the first sentence that talks about conflict of interest policy. And in the second part of that first sentence, we're talking about statements of interest. And it's not as clear as maybe it could be that the policy statements about conflict of interest is what will dictate or govern the contents of the statements of interest.

And that the idea that everyone would have to do a conflict of interest submission, is - it's not as clear as it could be where we might be going with this. So I think it's part of what we need to point out in the community discussion because I know in fact we could have.

Depending on what's the various situations are, some very vigorous internal discussions about the difference between the conflict of interest requirements and a statement of interest requirement.

So that's why I personally tend to be a little sensitive about this because getting useful input back is, I think, really important here -- or we'll end up causing us as (NACs) to have a much harder time selecting participants. Thank you.

Jonathan Robinson: Thanks Russ. Marika and I really want to move us on from this point.

Marika Konings: Yes, this is Marika; just agreeing with Russ that I think you need - can maybe show improvements to the language. But maybe that's something, you know, Jonathan, we could work on and see that it's something we can address and just do that question.

So I think we for example do in the GNSO -- people do not provide a statement of interest. And I best get down to observer status until the moment that they've actually completed all the information that is required.

So a similar approach might be applied here, although of course it doesn't go to the lines of adherence -- checking whether people have filled in things accordingly.

The way it currently works is a more kind of name change where people may say, "Well, this is what someone's statement of interest says, but I've actually seen that they're not working for Employer A, but actually working for Employer B -- can you follow up?"

There's no active policing by staff on looking whether people have filled in the information correctly and so I just wanted to share that.

Jonathan Robinson: All right. So let's move things on because we - we've already chewed up 60 minutes of the time allocated. There's a whole bunch of formatting where I simply put a space at the beginning and end of section. It was looking compressed and not very readable, so I modified that.

And the reporting -- so bottom of Page 4 -- reporting. I added a small (checklist) again -- it has - it's worth noting why I did that. I said that the chair shall ensure regular updating of the chartering organization. It previously said that the chair will do that.

And I think the most important thing is to ensure that the action has taken place, rather than the chair actively does that. So I just made a modification there.

Up on Page 5 we have a set of bullet points. And here I - yes, I'll come to you - let me come back to you, Russ and now in case I've missed something. Go ahead Russ.

Russ Mundy: Old hand, sorry.

Jonathan Robinson: That's why I haven't missed you. So is it - I think it's top of Page 5. Now we have a set of bullet points. We have six bullet points. And why I've put where appropriate instead of bullet points and I'm trying to think what my reason for doing that -- I simply wanted to solicit and communicate it on concerns of individual - just can't quite remember why I've put - where appropriate there. Marika?

Marika Konings: Yes this is Marika. Just speculating here and maybe because in certain organizations there are not necessarily representative of a broader membership. Thinking for example in the (APEC) where people are appointed on individual title and not necessarily, you know, representing a broader community -- which I think is probably more an ALAC or GNSO for example.

Maybe that's what you have in mind -- just guessing.

Jonathan Robinson: I think it's something along those lines. Those get (sticky) on pro-language to have any way. So that feels about right. Erika, go ahead.

Erika Mann: Yes, just wondering, Jonathan, if they do need to have final expertise with disbursement of funds -- because this is something very specific which typically only funds managers do have.

I think they shall have expertise in the principles of funds and disbursed, but not - this sounds for me too technical here -- the language that you have right now. So maybe a less-technical language -- with language with really related to the principles of disbursement or the (unintelligible).

I don't know -- the principles is maybe the best work for using here.

Jonathan Robinson: Some reservations about those. Talking about the expertise of the members of the cWG. And we've - although we did say it's just by example we've said the general point is that they have sufficient and appropriate expertise to come and participate.

And then we've said for example, so it's not - we haven't said that is the requirement -- it's just an example of sufficient experience. So I don't know that that's - it's quite specific and I agree quite technical. But because it's just an example, it may not be a problem.

And by the way, Page 5 -- I - it's not - doesn't show it clearly, but it is at the top of Page 5. Sometimes depending on where you scroll, it shows up as 4 or 5, but we actually are on the top of Page 5. (Go ahead) Asha.

Asha Hemrajani: Yes, thanks Jonathan. So I have a point - question about what you just said because I'm looking at each (triangle), but I'm looking at the bottom of - okay to me it's 4. I - the - each chartering organization shall appoint a minimum of two, maximum of five members. COs should make reasonably - reasonable efforts to ensure that the composite of individual members have sufficient and appropriate expertise.

So it sounds like it was a requirement -- not a nice-to-have. And this is what - I agree - I share with - I share Erika's point, so I'm not sure - and I know you said that that's not the case, but I can't see where it says it's not a must, but a nice-to-have -- because I don't want to restrict this to people who run charitable foundations.

Otherwise we will have - the only members of the ccWG will be people like (Silvia) which is good, but I mean we would - we need more diversity. We need people who have done other things as - in addition to just running charitable foundations.

So which part are you referring to -- that this is a nice-to-have and not a must? Did I miss the text, Jonathan?

Jonathan Robinson: The (mandatory) part is that they should have sufficient and appropriate expertise to participate in the subject - in the broad subject. That we have made mandatory.

Asha Hemrajani: Oh, so you think for example - okay, I see - e.g.

Jonathan Robinson: Yes.

Asha Hemrajani: Is that what you're referring to?

Jonathan Robinson: Correct, so the - for example it's just an example of what might be some sufficient and appropriate. But it's not mandatory that it's that particular form of expertise.

Asha Hemrajani: Okay, so let me ask you then. I'm thinking now. What does have sufficient and appropriate expertise to participate in the applicable subject -- what applicable subject?

Jonathan Robinson: Good question, I didn't - I wasn't responsible for that particular text. But I - it is a good question, you know, to participate -- really what we mean in the work of the ccWG.

Asha Hemrajani: Right.

Jonathan Robinson: In the substance.

Asha Hemrajani: That - maybe we need to change that because I didn't quite get applicable subject.

Jonathan Robinson: Yes, I agree it's not - it's - so I would say in the substance of the work of the ccWG.

Asha Hemrajani: Yes.

Jonathan Robinson: Does that satisfy you Asha?

Asha Hemrajani: Yes.

Jonathan Robinson: Right, thank you. Let's move on to Alan then.

Alan Greenberg: Thank you. I think we are going a little bit farther than maybe we should. We normally require that people have an interest and they may well have to do some work to get up-to-speed.

Asha Hemrajani: Yes.

Alan Greenberg: We don't normally require you have a prior knowledge of the subject. And we didn't for the IANA transition -- we didn't for accountability -- we don't for the PDPs and the GNSO.

Yes, there are always some people who are the experts in the subject, and other people come in new -- and in fact they often are the ones that guide us in good directions -- because they don't already have preconceived notions -- and know how they did it in their last job.

So I think interest, you know, is one of those things that I think we have to add and willing to get up-to-speed. I don't know how we word that. But I'm not

sure we want prior expertise as a mandatory requirement. And again, we are in no position to ensure that for the participants who we're going to treat equally.

Jonathan Robinson: Thanks Alan. So I agreed with you in the Chat and suggested we change that to interest. And we could put an ideally expertise so that we commit interest, but we suggest expertise and that might help.

Alan Greenberg: Yes, that's fine.

Jonathan Robinson: Okay, Alan says fine on audio. Erika says fine in Chat, so I think we can move on from (unintelligible). Good point, I highlighted on the appointment of chairs, which is as - so unfortunately rolls between two pages -- just bottom of 5 onto 6.

And here I realized we were being - we were making it mandatory that the chairs were appointed by the chartering organizations. Now some chartering organizations may not want to have the relevant competent individuals.

So why should we force them to appoint a chair?

So my change here was to say the chairs may be appointed. In other words they have the option if they say, "Look we'd like this person to be a co-chair." But they don't have to. And if no one does, I put the last sentence at the bottom of that paragraph on or a new sub-paragraph on Page 6 which said, "In the event that none of the chartering organizations propose a co-chair, then the CCWG must propose and nominate and select a chair, chairs, or chair and vice chair."

So I really just wanted to open it up a little to not force the chartering organizations to appoint chairs or co-chairs, because otherwise we might end up with either with a team appointee that weren't motivated or weren't necessarily competent or whatever the case is. So if you're happy with that, I

suggest - and I see that support it seems from Russ and Marika, Erika and Asha. So that's helpful. Well Marika's not technically supporting up stays in line with current practice.

So thanks. We'll just then move on from there. Alan, your hand's up.

Alan Greenberg: Jonathan, it's Alan.

Jonathan Robinson: Alan, please go ahead.

Alan Greenberg: Yes. Let's be honest, we can end up with incompetent chairs if they're appointed. We have little control over that, so it's not whether they're going to be incompetent, it's whether they're willing to serve and willing to put the time in. We have an interesting question in the overall CCWG of how do we ensure competent chairs. That's not something we're going to fix today though. Thank you.

Jonathan Robinson: Yes thanks, Alan. And maybe my choice of wording was imperfect there. Even if they - regardless, it seems like we agree with the changes. Marika?

Marika Konings: Yes this is Marika. I just wanted to note that a few paragraphs above that is a reference to the requirement of the statement of interest. And if you're all happy, I'll update it as well to reflect our conversation previously of also requiring mandatory disclosure (sic) that still need to be defined, as well as this notion that if that information is not provided members and/or participants are downgraded to observer status until they - until such time they provided the information. I can add some language if people are happy with that, so we can have a look at that.

Jonathan Robinson: Yes thanks, Marika. I see a checkmark from Alan. And also as I indicated earlier, we'll - if you could I mean note that as at least one item that we want to have as - I think what we'll have is - what I envisage will have in the presentation during the community session is, you know, we'll have the

general points and some key of decisions that are being made but also some key questions for the community or key material points of this work giving some feedback on, or even if just to indicate a level of support for it. So thanks.

Going through, I don't see any other significant changes that were made. I mean the rest are minor editorial and formatting changes, as far as I can see. If I've missed something, let me know, but I don't see any other significant changes that were made on my editorial pass of the document this morning.

And so with that I propose to you that we then essentially cement this version of the charter as the one we go to the community with in Helsinki and say we have a draft charter for community discussion. This isn't our proposed final charter, it's a draft charter for discussion with the community that we will then take community feedback on and utilize that community feedback together with the draft to formulate our charter that we will then go on to submit to the chartering organization.

So with Helsinki, we have seen a draft presentation from Marika, which is as usual very helpful to have that framework. I don't know if anyone's had a chance to look at it, but it essentially takes us through the background, some of the substantial points in the charter. Personally I would propose to do some work on formatting that in I guess sort of more bullet point oriented, but I'm very happy to do that.

So as it's turning out, it looks like we're going to have a presentation. We need to decide who gives that presentation and who's on the sort of podium, as it were, in the session. And I would think the whole drafting team could be part of that. There's no reason why we shouldn't invite everyone from the draft to sit up front or, depending on the format in the room, I'm not 100% of the format in the room, and possibly the chair and vice chair walk through the presentation.

I'm happy to give the presentation. I don't really feel too strongly about it, but I do think the key that will be really good for this group to work on is submitting potential questions so we've got - and we could do that now and after the meeting. So any thoughts over and above the one we've obviously discussed at some length in the work in conflict of interest? Any other key areas that you would like to see covered in the discussion with the community? And clearly we'll look for feedback on all aspects on it but any key things you would like highlighted?

So Marika points out in the chat that for the organization of the session we'd like - she'd like how many people and ideally whom will be sitting up front. I guess it's a little chicken and egg, Marika, in the sense that, depending on what the room is what's available, but certainly it would be great to have as many people from the drafting team on hand and able to participate if possible at minimum.

Yes and, Erika, that's a slightly different point that you make in the chat about anticipating the questions. I think we should anticipate questions, and that's a good point, but we should also pose some questions. The drafting team would like to know X. Asha, go ahead.

Asha Hemrajani: Yes thank you, Jonathan. So I was going to say that you took the words right out of my mouth that we should have in there, in the slide deck, the inputs, the specific inputs that we would like from the community, one being for instance the COI discussion that we had. And it would be good to let the community know that we did have a long debate on this, not - I'm not sure very long but we did have some debate about that, and that's why we want to go back to the community and get their feedback. That's my first point.

And then the second point I wanted to make is to answer the question you raised earlier, apart from COI what are the other areas we should highlight. And I think it might be helpful to highlight that we're - something along the lines of what stage we are in right now in the whole disbursement of funds.

There is definitely a misunderstanding in the community that -- in some parts of the community, at least a few people that I've spoken to -- that they think that this disbursement could start as early as this year.

So I think it would be worthwhile to say something along the lines of -- and you might be the right person to say this, Jonathan as chair -- that we're right now at the drafting team stage, we're doing the charter, and then after that the CCWG will be formed. They will come up with a process and then subsequent to that, they will, you know, submit the requirements - pardon me, the recommendations to the board and then another organization or a mechanism will be set up to do the actual disbursement.

So we're talking at least a good, you know, six, eight, 12 months, maybe 18 months away. I mean no point in us speculating on the time, but we have to let the community know that this is not going to happen tomorrow. So I think it might be worthwhile to bring that up. And I see Marika saying that you want to go through the whole presentation. Maybe this is already in the deck, but I think it's worthwhile to mention if it's not. Thank you.

Jonathan Robinson: Thank you, Asha. I think that's excellent point. I'm not proposing to walk through the whole presentation, Marika, but I do think we should have a - potentially a slide on process, as Asha has just highlighted. You know, where - what is the process and where are we. It's like one of your kind of PDP slides, Marika, where it actually shows something. And forgive me if - yes, Marika. I would think yes. I would think certainly as far as the session's concerned, I think that would be the case. We'll walk through the presentation and then highlight key areas of discussion. That would be my thought on format of the actual meeting itself.

Can you remind us how long we have? Oh you said they're 15, 15, so we'll go 90 minutes. Thank you, Marika. That's sounds - yes, Russ?

Russ Mundy: Sorry. Can you hear me now? This is Russ.

Jonathan Robinson: Yes, Russ. We hear you now.

Russ Mundy: Thank you. I have not gone through the presentation in detail and just looked through it quickly here, but I think that one of the very important points we should try to make at an early stage of the presentation is that the CCWG itself is not the entity that will make the disbursement upfront decision, that it is an entity to create a process whereby this is done.

That's probably in there but it wasn't real clear to me, and I think that is perhaps one of our most important decisions that we've made in the drafting team and we should point it out as clearly and early in the presentation.

Thank you.

Jonathan Robinson: Yes that's a very good point as well, and I agree. It essentially comes to the point that Asha made a moment ago of where we are in the process and at some point we need to highlight that that could derive key decisions or key points coming out. And that, as you say, is critical because - and the reason it's critical to get that out upfront because it will influence the discussion. If people think they are talking about - some people might even think that the drafting team is responsible for it. So we really do need to get this out upfront.

And I think we can, at least at a high level, in the process slide, which makes the process slide all the more important. So thanks, Asha and Russ on those points. I see others agree with you. Alan?

Alan Greenberg: Thank you very much. That was my first point. Currently it shows up at the bottom of Slide 6, and that's far too late. If you look at the past sessions we have, there are always some people who go into the session no matter what we describe it as putting out their laundry list of where they want us to spend the money. Unfortunately my community is often way up on the list of people doing that. So I think we have to make it real clear at the beginning that's not

what we're talking about now, and in fact that's not what the CCWG is going to be talking about when it's formed. That's number one.

Number two, this overall presentation is really - looks like it's largely cut and paste from parts of the charter. And if you look at slides, you know, seven, eight, it's just far too dense. So I think we need to bullet point the issues and not echo the words.

Lastly, we had this discussion really early on and I don't think it ever made it into the charter, but maybe it did somewhere, of are we talking about a process that is a one-time or is this something that may in fact go on because there may be auction funds or other money that ICANN finds somewhere that we may want to use. And I think that's an issue we want to mention.

And from my perspective, we're trying to build something that could be reused for some other bunch of money as it develops. It's a rather generalized function, not necessarily related to this particular cache of money, and we might want to mention that early on if indeed I'm correct on my assumption. Thank you.

Jonathan Robinson: That's a very good point, Alan. And I think there is a firm view from, sort of my sense and Asha will come in after this to give us the board perspective, otherwise that this is - and in fact it says so somewhere that this is a one off sort of fund. But I happen to have a slightly more open mind about that, and it would be interesting to know what we say about that at this stage in that it is possible in my mind that this, you know, I think it is a critical point.

And I don't know where we got to on this. And it's clearly auction funds result from a one-off activity and are by definition limited. The question as to whether this - the process that is put in place is simply about a progressive disbursement of those funds down to zero and at that point the whole thing is disbanded or whether there's some kind of longevity to this, the administration and potential top off of this fund or funds and mechanisms, I'm

not sure we're clear on that. So I think it's really penetrating and good question.

Alan Greenberg: Jonathan, if I may, just one more sentence. As we've gone along, we are never referencing where the funds come - came from. So I think we're building a process that could be reused if more money were to materialize. And explicitly, it is not tied to where the funds came from, so I think it's worth mentioning that. That's not a commitment that there will be more money but there could be.

Jonathan Robinson: Okay thanks, Alan. Let's note - let's go on to Asha's point and note that Erika in the chat said she advises not to do this but to keep the procedure limited to the auction procedure fund. But then Russ has said that we should have some sort of - the possibility of other sort of things happening, other top offs or extensions. Asha, come in.

Asha Hemrajani: Yes, Jonathan. So I wanted to go back to the earlier point I made about the timeline and then combine that with that with Russ's point about who does the actual disbursement. So it's the same misunderstanding that I've noticed that people think that the DT would be doing the disbursement. In fact (Lauren) has done the - has been the sort of block diagram that shows this flow for the purposes of discussing with the board.

So that might be something Marika could reach out to (Lauren) to and see whether she can reuse the slide, because there's a lot of text in this deck. I'm just looking through it and it's just loads and loads of text, except for Page 12. So it might be useful to have a diagram to explain the process and also the structure, so who does what. It's got a share of responsibility, what does the DT do, what does the CCWG do, what does the board do, what does the eventual mechanism do.

I mean of course we don't have all the details in place, but the fundamental differences that the DT will not do the disbursement of fund, that idea, that

message has to go out. So that's my first point. And on the second point that Alan made, I think he raises a very valid point. Whether or not this is a structure that we are setting up for perpetuity or whether this is going to be a one-off disbursement for a one-off disbursement of the 100 million funds in the auction - from the auction proceeds, that we probably have differing views.

So it might be something we could pose as a question in this deck. I don't see a question sheet on this list anywhere, what we need from the community, what feedback we want from the community. Maybe I've missed it, but we could actually add that as a question to the community, what do you think. You know, do you think there should be something from perpetuity or a one-off exercise? Or - if it's not, for instance if we go with what Erika says, which is we only limit this to the auction proceeds, there's nothing that says that the auction proceeds will not increase.

I mean there may be additional auction proceeds that come in, if we do decide the next round of the gTLDs, you know, happens - takes places even faster than we expected. We never know; we don't know. We can't predict. I mean I have no idea. Maybe I'm wrong. But there may be that possibility of additional funds coming in. So that's why this could be - we could write some text around this and put it on a please give us input to the community sort of slide. Thank you.

Jonathan Robinson: Thanks, Asha. And in fact that's what we are doing now and hopefully we can do a little more on the email that we are devising - and I think that's a very good question that you've just added into the mix. We are looking to try and say well, you know, this is - we're shaping the session we'll have with the community. And in fact we have at least two substantial questions, the one on conflict of interest and now on this.

But I do note that Alan's made a point in the chat that his point was subtly different. It wasn't really will this be long lasting but would this process be

reusable. And I think they are subtly different. We could - because the one is would we be amenable to the fund being - is what - in the fund industry what they call a close ended fund or an open-ended fund. That's really the issue here, but there's also a separate point is could this process be applicable elsewhere.

I'm going to defer to Marika before I come to you, Erika, in case it's a point of process and then we'll come to you on whatever substantial you'd like to make, Erika.

Marika Konings: Yes this is Marika. Partly in response to I think a comment Asha made and I think Alan did as well, indeed consciously at this stage copied and pasted specific sections of the charter partly is well, you know, to make sure people understand what the ideas that they talk about in relation to that but also a concern that those in the room may not necessarily have had a chance to look at the language. If we bullet it here, it may lose some of the nuances that I think you worked hard on introducing in the language.

So I think my question for you is indeed would you like me to, you know, shorten this and just do it in bullet form or do you think it is important that, you know, someone can indeed talk around this language but we can at least have it on the screen and can read the full part of that specific section or that specific sentence that you may want to discuss or get input on.

So I think that's some of the feedback I'm looking for. And also I think you already answered that, indeed it doesn't include questions yet or the way it should be structured, as that was a specific point I think we want to discuss today and I'm hoping to update the presentation after our call today to already include, you know, those specific questions and as well probably an open ended, you know, anything else you want to flag or raise that we may not have called out but you may have thought it or had questions about.

Jonathan Robinson: Marika, I had a feeling we would reformat the presentation and I just saw it as a kind of first draft. I don't have a firm view as to whether we include charter language in specific instances or not. I think it depends on what we need for the presentation.

Erika, thanks for being patient. Sorry I took a while to get to you. Come in.

Erika Mann: No problem, Jonathan. I wasn't just sure if you would see the chat. I'm really concerned about this point in triggering a new debate. I see where Alan is coming from and I find it as a theoretical question a good one and one the community and everybody else involved might want in the future. But right now I think it so relevant and important to keep the environment and the ecosystem really focused on the auction proceeds.

And I'm worried if we open a new debate, there might be many in the community who would love to have this debate, but it's a very theoretical discussion, which hardly reflects reality because we have the 100 million. We know already that we will get more money into the auction proceeds from the auction. When you listen to what ICANN is saying, this is pretty clear. So this is a huge amount of money we have to deal with, or the group will deal with this in the future and the funds allocation managers. So this is a big money part.

So to get this right and to have all the internal procedures in place to ensure that it functions well, this is tough work which we have to do. So I don't see the need to, you know, to open a debate. And I find it actually quite - I would find it a little bit worrisome if you open a debate before we have finalized the work about the auction proceeds. So my recommendation at least would be not to do it, not even to have it as a question mark.

Jonathan Robinson: Erika, I heard you then and I'll give my reflection on that. That - your point seems persuasive and I'm tempted to agree with you. And moreover, I think what we could do then is say that we make it rather than throw this open as

too big a question at this stage, it's clear that our working assumption is that this is a closed ended fund. That's not to say that is closed at 100 million because as you rightly pointed out, there may well be further additions to it, but it is closed to the current - the proceeds from the current round of new gTLD auctions.

I think what we could say, we could leave the door slightly ajar and say something along the lines of, you know, make it if further funding became available in the future, it wouldn't preclude this group or a successor group dealing with it, but for the moment we assume that it's a closed fund. How does that sound to others?

(Unintelligible) coming off mute again.

Russ Mundy: (Unintelligible)

Jonathan Robinson: Russ, I don't know if it's only me, but you are - the audio is not coming through clearly. So if I could ask you to start again, please.

Russ Mundy: Thank you, will do. I have, from the inputs I received from some of our SSAC members, I would like to at least ask that we leave the door ajar because we have had some input that say the most desirable end result of the CCWG would be that a process would be designed that could accept funding from other appropriate activities, particularly those that are interested in the overall good of the Internet kind of thing that did not want to set up their own activities, they would rather contribute to a centralized activity like this.

So my fairly firm preference would be that we at least leave the door ajar for the possibility that other not only ICANN money might be available but other money of a similar nature focused on improving Internet - the state of the Internet could come from other organizations. So that's I think something that is important that we do. At least leave the possibility open.

Jonathan Robinson: Thanks, Russ. I think that's consistent with what I said before and what others appear to agree with. We make it clear that we see our remit is a deal with this finite pot of money but that doesn't preclude the future addition of other moneys should they become available and it be appropriate in the future. So I think we can manage - I think we can walk that line, it seems to me. Alan?

Alan Greenberg: Yes I think the critical reason I brought - the reason I brought it up and Russ alludes to it is that we are delinking the source of the money from the use of the money. So it could be used for some other thing in the future, should some money materialize. But at the other side of it, we're talking about, as Jonathan you pointed out, \$100 million. This is not going to be disbursed in three months.

If we find out as the process is going on through audits or post-project evaluations or whatever that this process is not working well, we may change it along the way. You know, we're not just going to blindly follow the rule until all the money is gone. Hopefully the CCWG will build in some checks and balances. So, you know, nothing is cast in concrete at this point. Thank you.

Jonathan Robinson: Okay. Well as I said, I'm - to wrap things up I could leave the group to run on with Alan in the chair but my sense is that come back to me if you feel that's necessary. It feels to me like we've done a reasonable pass of the charter. We've got at least one decent meaty question and we could think about some other questions as we reread the charter. We've got the structure of the presentation, although it needs some refining and I'm happy to work on that with Marika and we know when our session is.

I think it would be great to have everyone from the drafting team there and on hand to potentially contribute. I'm happy to give the presentation and, Alan, it would be great if you were with me at minimum on the podium, depending on the configuration of the room, and others we can fit in accordingly.

Alan Greenberg: Jonathan, I definitely will be. I've blocked that out. It would be good if you, me, and Marika can meet some point prior to the session just to review what we're doing and perhaps allocate speaking roles or whatever. I'm not quite sure when that will be but we should try to meet for 15 minutes.

Jonathan Robinson: All right. So just to be clear, one key action coming out of this is for everyone to reread the current version of the charter, the draft is going to be sent to the group, and think if there's any key questions you would like to see or issues discussed and fleshed out a little bit. Hopefully people will have opinions and be forthcoming, but it would be good to have a handful of questions either on the slides or at least in our respective back pocket.

Russ, is that a new hand or is that your previous old hand?

Russ Mundy: Sorry, old.

Jonathan Robinson: All right everyone. I think with that we'll draw it to a close. We do need to agree on a meeting for this - a future meeting time, but I think we can do that online or propose a do next meeting and organize that in after the meeting, after the Helsinki meeting.

Okay thanks everyone. I hope you felt it was valuable and you had the opportunity to contribute. Thanks for helping get through it in time as well. See you next week in Helsinki.

Alan Greenberg: Thanks, Jonathan. (Unintelligible)

Jonathan Robinson: Thanks, Alan.

Coordinator: Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines.

END