

**ICANN
Transcription
CCWG Auction Proceeds call
Thursday, 08 February 2018 at 14:00 UTC**

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Coordinator: The recording has started.

Julie Bisland: Okay, thank you so much. Well good morning, good afternoon and good evening everyone. Welcome to the CCWG New gTLD Auction Proceeds call held on Thursday, the 8th of February, 2018.

For today's meeting attendance will be taken via the Adobe Connect room. If you're only on the audio bridge would you please let yourself be known now? Okay, and I believe Kavouss is on audio only. Hearing no further names I would like 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 any background noise.

With this I'll turn it back over to Ching Chiao. Thank you.

Ching Chiao: Thank you very much and once again thanks, everyone to participate this February 8 call. My - this is cochair, Ching Chiao from the ccNSO so Erika, for today she's - seems that we - she's not able to have a very stable phone line and also the Internet due to her travel so we will miss her. And so I would help on, you know, read and coordinate the discussion for this time.

So why don't we get started by going to the Item Number 2, do we have any SOI updates? If there's any please share with us. Okay, hearing none, so let's move onto the next item which is the finalization of letter for external - the external experts.

So for this particular item - so Marika has already circulated the finalized version to the mailing list. Keep in mind that we've been working on this for some time so starting from the small team to have a draft and the last call that we do have kind of go through and also polish the letter. So also I'd like to thank once again for Marika and also Joke for their work on incorporating most of the comments that you send or to you shared in during our last call and also the previous call.

We do have some responses and also some also - I mean, responses prior to the call so we'll try to digest that too. But to my view at this point I think this letter in particular is ready to go to the experts. I think let's maybe have Marika to help us to go through a little bit and maybe to talk about a little bit on the questions because we do - we receive some comments regarding the questions, the Annex C and D, the question part from Xavier and Sam. So why don't we - why don't we start by having us to take a look at the letter once again.

So, yes, I can see Vanda, you have your hand, do you want to say something first? Vanda.

Vanda Scartezini: Well if you go - it's Vanda for the record. If you go to the letter I want to talk about the conflict of interest. If you just want to see what I have to do - to say I can go now.

Ching Chiao: Yes, why don't you go, go ahead and talk about it.

Vanda Scartezini: Okay.

Ching Chiao: Thanks, Vanda, yes.

Vanda Scartezini: Okay. This - my only point is that considering the South America, for instance, that we have very different approach for conflict of interest. I believe that will be good to explain that conflict interest in that - of the interview and offer some information about it's not imperative to participate on this conference calls or calls or answer the questions because here if you have conflict of interest you do away because you are not allowed. And it is not the case but is not clear for people from other regions.

Ching Chiao: Thank you. That's a fair point to make. I think we will definitely note on that and also while we're sending this you we should explain in more detail as the note said what it means in practice. But thanks for pointing that out, that's very helpful. So once again, going back to the letter itself, so for Marika, would you like to share with us the I mean, the finalized ones and what I mean, is there still something maybe just an example on how long will be given to the respondent to reply and what else the group has to consider for the letter. So, Marika.

Marika Konings: Thanks, Ching. And yes, as you noted what you see on the screen is the latest version of the letter that was circulated to the mailing list earlier this week and, you know, from a staff side we hope this addresses the different comments and feedback that was received for which our thank of course.

As Ching noted, one of the open items that we still have is the date that we give to respondents by which we hope to receive an answer. I think we initially discussed that three weeks would be a reasonable timeframe noting that there might be a need to give people some additional time. But if we look at the calendar three weeks really takes us up already very close to the San Juan meeting. So I think one of the questions is whether we should just let it run through the San Juan meeting or maybe see if we can put a date just

before that to see if we would already get some input that the group could review in person there.

Something I mentioned to Ching in preparation for this call one option of course could be as well to see if, you know, for any of those experts identified that might be in San Juan, I'm specifically thinking for example of, you know, Xavier and Sam but potentially also some of the organizations that are linked to ICANN like Nominet and SIDN, if by any chance, you know, some of their representatives would be in Puerto Rico it may be an opportunity to have and start that conversation face to face so that may be something we could call out in the letter for those organizations where we know that, you know, either some of their representatives do attend ICANN meetings.

With regard to the point that Vanda made, what staff can do is maybe look at the language that we use for the DOI, I think where we do explain that you're expected to declare if you have an interest but that doesn't exclude you from participation or engaging in the debate. It's just to make sure that people are aware of, you know, the specific interests that you may have in your participation, so maybe we can look at that and see if such language would help clarify that.

One other thing that staff wanted to note and something we pointed out on the mailing list yesterday as well there are still quite a few organizations that do not have a point of contact associated with them. I know some of you pointed out on the mailing list that, you know, it may not be that easy to get responses from organizations, you know, we do ask for a lot of information without any clear benefits for the other party. So of course having a direct contact over a personal relationship may really help in that regard.

So I was wondering if everyone could have another look at the list and indicate for which organizations you do have a direct contact so maybe then the way in which staff could reach out we could finalize the letter and CC you in the email that would go out so you then have the ability to directly follow up

with your contact so they know that there is a direct link and that may hopefully encourage them to respond.

As said, of course it doesn't guarantee that we get responses from all organizations but if at least we get a sufficient enough response rate to help us review those responses and move forward I think that's what we're mainly aiming at.

As I noted in the message as well, we didn't get any further input on the questions themselves, so I think from at least a staff perspective we consider the list as is final. There were still I think two or three areas where there were some suggestions whether it could be further clarified so if people still have suggestions on that I would like to ask them to, you know, provide that by the end of this week. And if not we'll just I think go with the list as is, you know, it is already a quite substantial list so I think hopefully it's ready to go in that regard.

I think that's all I have. I do note that there are some comments in the chat that I haven't been able to keep up with but I'll have a look at that as we continue.

Ching Chiao: Okay. Thank you very much, Marika. So I think this - a number of kind of short term goals that we like to be able to get I think the obvious one is that we would like to have some initial feedback by Puerto Rico meetings or I think so basically we're not sending out the letter and also the, you know, those questions out soon. We'll not be able to get the - I mean, response back by Puerto Rico and not to mention that the staff and the team, the leadership team, would need some time to digest prior to we can - we are able to present them in a meaningful way.

So I guess that's - so I guess Number 1 is that we would like to send the letter out maybe to have another look and also to confirm how much time we will be given to the respond - to reply but also we also, as Marika pointed out,

we'd like to send it but send it out right, we don't want to send to a, I mean, email address by searching the organization or corporate, I mean, Website, they're kind of, I mean, the general inquiry, I mean, email address. We do need more help on getting the right contacts and maybe to - maybe before sending the letter out we would have the right person to speak to them so they would have the expectation of, you know, the letter is coming to their way.

And that's Number 1. So I think Number 2 is also linking back to Puerto Rico is that if some of the organization I could imagine is that most likely the ICANN quote unquote inner circle, I mean, organization, for example I can name a few from the CC side is that, for example, Nominet, SIDN organization like them they have a charity part and also their staff, I mean, also, I mean, also attend ICANN meeting at the regular basis. So I think the group has the responsibility to reach out to them and also to make sure that the person who's also in charge on the charity part they are able to let's say to have a face to face meeting with us.

And also if the working group consider that a useful time to allocate during our face to face time in Puerto Rico as I think we should have these two things planned for our next step. I can also see several comments from Marilyn and also from Daniel, Vanda saying about the conflict of interest.

Once again, as that - maybe at the time we also - so the leadership team prior to the call we also discussed what would be the best way to start to send a letter out and see how people respond, so perhaps a kind of a safer way to do it is to start to send out to the organization that we know better so they kind of know what's going on, they know exactly what ICANN is looking for. Probably that would be a way to kind of making our first move then.

There is comments also from Hadia about will we mention the names of the experts whose opinion was taken and or consider in the final report? And if so, isn't it better to mention this in the letter sent to expert. So I think that's a

fair - that's a fair consideration at this point. Perhaps - so I think you know, it should be able to - we should be able to incorporate this in the letter or maybe at later stage once we confirm that their inputs and comments will be incorporated in the report we also - we will seek for their consent.

But for Marika for this particular point, do we know what will be a regular ICANN you know, practices on this for example those experts if their inputs are being incorporated what would be a kind of a process that we can get their consent? Yes, Marika.

Marika Konings: Yes, this is Marika. I think at least looking back at the previous report and how, you know, reports usually are compiled, you know, the focus is usually on the actual recommendation. You know, there is a section that would describe, you know, how the working group got to the recommendation and there would indicate that, you know, the working group reached out to experts and got input from a number of experts hopefully. But I think we would there normally just link to the wiki page where those responses would be posted or any relevant meetings that would have taken place so that there is indeed a complete record or set of information that was provided.

I doubt that we would go so far as in the report itself listing all the names and details but I think we do make clear in the letter that, you know, all responses are expected to be publicly posted on the wiki space. So hopefully that already gives enough insight that it's information that will be publicly shared and as such, you know, can also be linked to in the working group's final report.

Ching Chiao: Sounds good. I think that addressed to Hadia's question. Okay, so let's probably wrap this up item now. We will probably give the leadership team if everybody is okay with this another week to clean the document up and in a week time we would - we will also, you know, I mean, although this is a finalized one as you can see from the Adobe room there's still some yellow

part, for example, the date and also as I mentioned the - some of the questions that need a little bit clarification. We will work on that.

We would send out the finalized one in the week time and then start to send the letter out to some of the contacts we already have. And then during the meantime we will appreciate that you keep sending the contacts that you know and also listed on the list of experts so please do help on this as well. Okay.

Let's more onto the next item which is the review of the response of the Board liaisons to our letter in terms of the preamble and also the list of examples. So once again I would, you know, just to making sure that, you know, we - the working group have, you know, everyone on the same page. We send out this letter at last year just about to make sure that we set off a kind of broadened scope for the working group in order to make sure that in the - once the working group start to consider, you know, and set the, you know, rules and the guidelines for the - and also the criteria for the project selection process we will have - so, I mean, we will have a - we will cover consistency in terms of the scope and also the consistency is tagged along with ICANN mission.

So that particular letter which we've been - which have been working for a number of months if you, I mean, if you recall so then the letter was sent out to the Board liaison and also and thanks to the Board liaison, Becky and Maarten, for their work on channeling this message to the Board. So then later last month we received the responses from the Board liaison in terms of Board's discussion so far in terms of our letter.

So I think at this point we do have Maarten and Becky on the call. So I would truly appreciate and also once again thank for them if they can share their thoughts in terms of, you know, how the letter is structured and also share their maybe in a higher level in terms of what the Board is thinking towards to our letter. So if it's okay Becky or Maarten, would you like to say something?

Maarten Botterman: Yes, sure Ching. Thanks. Thanks for the invitation. And yes, actually I agree - we agree it was a good point to receive the letter and we've been using it to further discuss this with our colleagues as well. As you know the Board is appreciative of the work that you've been doing and very good to stay steady in your efforts and stay open for deliberation.

At this point I think most importantly what we do is trying to help with the constructive contribution to your thinking rather than telling you what to do, that should be clear. And I hope the letter is received in that spirit. For us most importantly we are crucially aware that it's important that these proceeds will be spent in line with the mission and the values that ICANN has. This is the only way that according to our bylaws we can spend this. And that should be crisp clear from the outset and we hope to make sure that also in the final decision that comes out very clearly.

That means also that from our fiduciary position that we need to make sure that the funds are reasonably used so efficiency and effectiveness of the use of the resources are of course also important. And I can see this maybe one of the considerations you also take into account when you further develop your thoughts on the model and how to spend it. So mission and values will be mainly helping you to find where to spend it and, yes, effectiveness of the cost and efficiency on how to do the spending.

Now, if you look to the current of course, as we expressed, there are some - still some slight concerns with the concept of open and interoperable in it. It's a concept at seems to be introduced almost net to mission and values, obviously mission and values prevail and we fear it may lead to some confusion that - in later stages. So we commend you to recommend you to look at that again.

With the examples I think most importantly it's a great was of learning lessons and becoming more concrete in your thinking but it's crucial not to raise false

expectation or preemption funding for specific proposals. This is not how the examples are used but let's also make sure the in the future they will not be used as such.

The list of purposes is very useful but maybe another idea maybe to provide additional examples of projects that would likely not be acceptable for distribution. And again, also for the examples as discussed earlier, one thing is the mission and values of ICANN but the other element to take into account is also the good use of funds so the efficiency...

((Crosstalk))

Maarten Botterman: I hope this is useful introduction. I know you've all read the letter and if there's any questions we are happy to hear that. Becky, if there's anything you want to add at this point?

Becky Burr: Sorry, I was just getting off mute. No, I think that's fine. We found the examples extremely useful as examples and we felt like, you know, we seem to be aligned in many respects and we do really appreciate the work that this group is doing.

Ching Chiao: Thank you very much, Maarten and Becky, for the comments and the guidance that you already gave us. I think one thing before I open up for questions I think you probably - and also so involved in the working group I mean, this processes for a while, for the examples that's been given to you, you probably recall that we - this is not a kind of consensus I mean, the examples so that means that we did not pick and choose, I mean, or vote on any - we just like to send some of the kind of ongoing thoughts and comments to you and see how the Board would react to a certain, you know, projects would fit into what you just brought up, the mission and values of ICANN.

So we considered this is a very useful I mean, exercise. And then once again thanks for the responses. I would imagine the group would need some time to discuss as I don't see the members have I mean, we have already responded in our email thread. We received the letter late last month and it's - I mean, couple days gone through. We haven't start to, you know, really to start to take a deep dive into the letter itself. But once again, thanks for the response.

I understand that prior to the call so Marika she already start to kind of break down the - your comments into the - so into the spreadsheet, so this would help the members to start to kind of weigh in their thoughts on your thoughts. So probably now probably is a good time for Marika to kind of help us to see what's in this particular spreadsheet and what members probably should start to work on further inputs. So Marika.

Marika Konings: Yes, thank you, Ching. So this is Marika. So what you see up on the screen was also shared with the agenda. As Ching noted, you know, as a next step the CCWG may want to review the letter in more detail and discuss what changes if any need to be made to, you know, either the preamble or the examples based on the Board input.

And as such what I tried to do was basically pick out those parts of the Board letter that seemed to either suggest or recommend, you know, reviewing certain aspects and further detail or recommending certain changes or modification and to match that with, you know, what that current CCWG position is or you know, as it's written down in the different documents that the group has already produced.

And then the table also allows for a part where we could capture the notes or discussion in relation to each of those items and then a proposed resolution which you know, could basically indicate what changes are made or an indication that, you know, there's no need to make further changes or updates or, you know, in those cases where either a common understanding

is reached or where from the CCWG there's a perspective that it may not - no further changes may need to be made based on input received.

It's a bit of a similar nature as I think how most working groups would review public comments so that we do have a kind of record of you know, how we dealt with the Board input that can also be used at a later stage. And again, it allows us then as well to document what if anything needs to get updated or reviewed with regards to the - following the discussions of the CCWG. So I think, you know, part of the question of today is this something that the group would like to do collectively?

And I'm guessing everyone may need a little bit more time to digest the letter as well as looking back at the original CCWG documents or are there potentially some volunteers that would want to take a first stab at looking at this and maybe making some recommendations to the group as to how the Board input can be factored into both the examples as well as the preamble as those were the two documents that most common seemed to focus on.

Ching Chiao: Great. Thank you, so thank you Marika. So given the lens of the letter itself and also the - some of the kind of thinking and the commenting process needed to be made, during our leadership call prior to the meeting I think one of the thing we do kind of intend to juggle is that while we - while it's necessary for us to have a deep dive of this Board response and just according to the spreadsheet that Marika helped created, so basically we would probably make - it takes a few weeks. We envision that prior to our - prior to Puerto Rico we would have some initial responses to the Board letter.

So that will also, I mean, give us some, I mean, some - give us some times while we, I mean, sending out the letter to the expert and waiting for their responses. We have, you know, something to actually to work on. One of the things I do want to address here is also there's a shared kind of feeling just among the leadership team is that it seems that these two particular letter kind of intertwine themselves simply because once we consider the Board

responses and once we start to dive in it could potentially impact how - I mean, potentially impact the scope of, you know, how great or greater we should do about the expert input.

And what I'm saying specifically is that if we're, I mean, looking at a more limited scope of work here and then probably for a lot of questions that we need to have the answers from the experts probably the - some of the answer can only be answered from those who really understand ICANN instead of we kind of go quote unquote beyond the ICANN missions and values. So I - personally I do think that's something that perhaps the group start to kind of digest this particular letter. We will have more comments and kind of idea of what to do next with the letter.

So I can - yes, I can see some of the comments in the chat but let me give the floor to Kavouss. Kavouss, you have the floor.

Kavouss Arasteh: Excuse me. It's a half an hour that I want to talk. Unfortunately I was on the audio bridge and no one listened to me. I have a comment on the letter. I have a comment on the Board reviews and so on so forth so please kindly provide some possibility for the people that are audio bridge, not continuously...

((Crosstalk))

Ching Chiao: Kavouss, we cannot hear you very well.

Kavouss Arasteh: Hello? Please kindly...

Ching Chiao: Kavouss?

((Crosstalk))

Ching Chiao: Yes, we cannot hear you well, so we'd just like to make sure that...

((Crosstalk))

Kavouss Arasteh: Yes, do you hear me now?

Ching Chiao: Yes, this is very good now. Thank you. Yes, please Kavouss.

Kavouss Arasteh: Is okay now?

Ching Chiao: Yes, this is okay.

Kavouss Arasteh: Yes.

Ching Chiao: Please go ahead.

Kavouss Arasteh: First with respect to the Board's comment, while we appreciate all those comments but it doesn't help. If they have a concrete proposal about preamble, the area, the text of the preamble which is not consistent with the bylaw either the mission or core value, please ask them to provide concrete proposal in text. If they have proposals or if they have views about open Internet which might have conflict with some country please kindly provide your comment in a concrete manner.

This would be more helpful rather than asking Marika to try to modify the text according to her understanding which is better we ask the distinguished Board to kindly provide their comment in a more clear and concrete manner in the text. It is a sort of track change in the preamble or in the text. Do they don't like the open Internet? They said that don't speak about open Internet. I think that it may not have good - it may have impact on some countries or some people, we don't understand. This should be more clear. So please this is the way that we want that the Board comments.

First of all they participated in the meeting, they could have given their comments but not after everything is finished that they come and we have comment. So please can we ask them once again provide their comment in a concrete manner in a way that changes the text that we have. This is for the Board.

With respect to the conflicts of interest that some colleagues mention that in the Latin America there is another understanding, I don't think that understanding of conflict of interest it depends on the region. You may ask the people quite clearly if you intend to participate or ask an application for the use of the funds please note that while your participation in the discussion and advice are most welcome, however, your subsequent request or entity associated with you requests for any fund would have certain additional consideration in order to maintain the neutrality of the process. So if you want to change, change it in that way.

With respect to the time, we need to have sufficient time for the people to reply. And if you want to participate in the call we have to provide room that they participate in the call but not biasing the discussions; they just express their views. So these are the comments I will make. I'm very sorry, I apologize, I was on the audio bridge. I couldn't make my point before. And that is the situation. And I thank you very much for your kind deference. Thank you.

Ching Chiao: Thank you very much, for both points on the letter, the expert one and also the Board letter. And I think there's a following point that - fair point that you made about then be more concrete from the Board in terms of the exact text they preferred on the preamble. But I'd also like to add also to remind is that for the Board liaison the - I think their primary role is to help channels the communication also to stay in contact up to date with this working group.

What we received is a formal, you know, kind of a discussion, I mean, they I mean, the Board have already made during their - after their discussion. So

once again I think you pointed out that the Board liaison has been in the group but I think it's still - they will still need time to kind of to collect the, you know, the kind of the aggregate or formal responses from the Board so to make sure that you know, this message has been channeled just across all Board members. So once again I'd like to point that out.

Okay, do we have any other questions or comments to this Board letter now? Okay, maybe I will wait for a second. I can see Vanda is typing. So Vanda says I understand we need to go deeply on this, that's certainly true. We will need some time, there is quite a number of points and also the examples that we brought up and the Board has made some comments in - as a wide range of points that we need to look into so it did take time.

So once again as that - as I said, we would - the leadership team once we clean up the letter to the experts we will have a good time while we're waiting and then to work with the - all members to start to have the initial input using Marika's spreadsheet. Maybe down the road once again we need to have a drafting team once again to be formed and then to have some concrete responses to the Board ideally prior to the Puerto Rico meeting.

Okay, so I guess we're running on time this time. And for this particular item the letter from the Board I would like to wrap it up here unless I hear anyone has further comments. I don't expect you to going to the letter and then we would have the discussion between now to our next meeting over email.
Okay.

So I guess we're good with this item and then I guess the last one is the next steps and the date. So it seems that we have that. So with that does everybody has anything to say at this point. It seems that we're very efficient for this call. Let me just wait for a bit. I can see Kavouss is typing. Oh he's sending his suggested text for the conflict of interest. Let's give him just a few moments to have the text in.

And also just to Kavouss, you can always send your text via email to always - once you clean up your text and we can always work on modifying or also editing the final text after we receive your email. Is that - is it good for you, Kavouss? I can see Kavouss still typing so, Kavouss, would you like to say anything now or? Yes, so Alan, that's what I just - I just suggested that for anyone who would like to send in their comments on the - either the conflict of interest or some of the questions we can always receive that by mail.

So I guess with that I would like to thank once again for all your time and also for - so especially to Becky and Maarten firstly to send the letter also to explain to walks us through the letter. So once again thanks, everybody, for your time. We'll catch up once again on mail and also look forward to the next call. Thanks.

Julie Bisland: Great, thank you, Ching. Today's meeting...

((Crosstalk))

Julie Bisland: ...is adjourned, everyone. Have a good day. And, (Nancy), you can stop the recording please. Thank you.

END