

## ICANN Transcription

### New gTLD Auction Proceedings Cross-Community Working Group

**Thursday, 30 March 2017 at 1400 UTC**

Note: The following is the output of transcribing from an audio recording of the New gTLD Auction Proceedings Cross-Community Working Group call on the Thursday, 30 March 2017 at 14:00 UTC.

Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance may be found at:

<https://community.icann.org/x/qcLRAw>

The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-auction-proceeds-30mar17-en.mp3>

(Michelle): Well good morning, good afternoon and good evening to you all. Welcome to the New gTLD Auction Proceedings Cross-Community Working Group call on Thursday, 30 March 2017 at 14:00 UTC. I would like to begin with a roll call. Please respond one moment. I do have Asha Hemrajani, Becky Burr, Carolina Caeiro, Dietmar Stefitz, (Claudia Alanamono), John Levine, (Yul Brinken), (unintelligible), Judith Hellerstein, (Yulf Halfanist), Julia Charvolen, Kavouss Arasteh, Lauren Allison, Manal Ismail, (Mark Dow), Maureen Hilyard, (Sydera Koraj), (Sally Patterson), (Sebastian), Sylvia Cadena, (Unintelligible Sertavini).

If you are on audio would you please let yourself be known now? All right thank you. And as a reminder to all participants please state your name

before speaking for transcription purposes. Also please keep your phone and microphones on mute when not speaking to avoid any background noise.

With this I will turn the call back over to Erika Mann.

Erika Mann: Thank you so much (Michelle), much appreciated. Let's move to point two of our agenda. We have six items on the agenda today and it would be wonderful if we can move as quickly as possible on to point respond board letter because I would love us to spend a bit more time on this topic, so on that the point welcome.

I'd love to pick up the issue which we discussed that we would love to see from now onwards the CCWG members and participants to announce if they have to make an update to their existing declaration of interest. We discussed this many times so there is really no - nothing new in procedure. It's just in case somebody of you clearly and I mean really clearly can identify he or she or the organization to personally present having an interest. We will discuss the topic a little bit later so we don't have to go into the discussion right now it's just for clarification purposes. So I give you about a few seconds just to announce if you want to make a statement and if not we just continue in the debate. Thank you.

Okay that's not the case. So we can continue in our debate. Since I can't see my document part of the Internet is totally cut so I can't see them in the moment I would love to ask Marika to give us a short update about the meeting we had in Copenhagen focusing on the key points and so that we have a kind of refresher where we left our debate last time. And then it's much easier to start the - to debate on the topic. Marika, would you be so kind?

Marika Konings: Of course Erika. And thank you and this is Marika. So yes just a brief recap on where we left things in Copenhagen. And as you may recall a part of the meeting was dedicated to finishing the presentation that Sam Eisner had

started the week before on the legal and fiduciary constraints. And so we had a very good discussion around some of the topics in relation to that.

And I just wanted to note as well that I'm still working on the action item of capturing some of the questions that were raised both during that meeting and the previous one as well as the chat and as well the mailing list so we can evolve that into an FAQ style document that we will post on the wiki. So if - through the deliberation there are further questions or people want to go back to issues that have - were previously raised they're able to do that hopefully in a fairly easy manner.

We also started reviewing the letter that was received from the ICANN Board. A number of you had already provided input prior to the Copenhagen meeting and then a couple of you also did that subsequently. So that is also an agenda item that will come back during this meeting.

And then we also spent a bit of time looking at the survey results. As you recall we conducted a survey prior to the Copenhagen meeting amongst the membership mainly with the objective of going through the charter questions and trying to identify whether any of the chartering questions are to be considered (baiting) questions basically does the answer to that question determine how other questions may be treated? And whether there are any sub- questions or any missing questions that needed to be flagged as well as identify whether the group expected to need any external expertise to respond or deliberate on the question. And I think that basically filled our 90 minutes in Copenhagen. And as noted, you know, several of the items also come back again on this meeting.

We did circulate the transcript and recordings on all those meetings. And all those details have also been posted on the working group wiki. So for those of you that were not able to participate and you're of course encouraged to review those materials as well as the notes that took from that session. And I think that was it Erika.

Erika Mann: Yes, thank you so much Marika. Anybody who would love to make a comment on this one or add a point? No okay fine. Then maybe just one item to add which relates to the upcoming meeting in Johannesburg we had in a small discussion that we had with Chiao and Marika and the team discussed if we should make a recommendation to have another meeting in Johannesburg.

There might be some concern and it might be not on the high priority for all of the SO and ACs so we might not get a slot. But we thought it would be good to try and to have a meeting next time for two hours so 120 minutes instead of 90 minutes, 90 minutes was quite short in Copenhagen. And I just would love to know we can do this now or we can do it at the end just maybe get a quick understanding just if you think this is a good idea? Marika maybe can do a quick poll or we do it at the very end? And just to know whom of you would be actually in Johannesburg.

And just one person tell me if you think it's a good idea? We have Ching Chiao here and Kavouss is this correct? You want to say something?

Kavouss Arasteh: Yes that is me. Yes that is me.

Erika Mann: Thanks Kavouss.

Kavouss Arasteh: (Unintelligible) no problem with having a meeting if everybody agrees that the issue is that I and Menal we missed your Copenhagen meeting because it was coincidentally some of the important GAC meeting. So if you decide before exactly at what time we want the guys suggest that maybe we start sometime someday early morning 8 o'clock to ten and so on. Then we could manage than the agenda of the other meeting take that into account because we missed the Copenhagen meeting and both of us are very interested in that. Thank you.

Erika Mann: Thank you so much Kavouss, very reasonable recommendation, Ching Chiao . Ching Chiao , do you want to say something? Okay I can see that many responded quite positively. And so I would do – I would recommend that staff just reviews the comment which came in. We can pick it up at the very end of the discussion quickly again. I don't think there is a need to continue the debate about it here right now. Thank you so much for your quick comments back. Let's move to the next item on the agenda which is Point 3.

Marika Konings: Erika.

Erika Mann: We need a bit much - yes Marika.

Marika Konings: Apologies to interrupt you but I had my hand up on the previous item.

Erika Mann: Oh. Why don't I see it? Interesting I wonder if this is not working – okay go ahead Marika.

Marika Konings: Yes this is Marika. So I just wanted to maybe suggest that maybe after this call staff can actually circulate a Doodle Poll to get a better sense of who will be there in person, who is planning to participate remotely and who will likely not be able to participate at all. And then we can share that with the leadership so you have a better idea of, you know, potential attendance.

Noting that indeed is you already pointed out well from staff I'd work on putting in this request. But as, you know, considering the short duration of the meeting and as well the focus of the meeting it's of course not a given that the request will be granted but at least in that way you have at least the information on the likely attendance for such a meeting. Would that be helpful?

Erika Mann: Yes very helpful approach. Thank you so much Marika. Okay with this let's move to the next item on the agenda which is Point 3 Declaration of Interest which is a little bit more complex issue. And I will try to give you a brief intro

but then I would love to hand over to Marika just simply because I can't again access my document.

So I think you have to recognize that staff did an update on the membership and participant list by adding a star for anyone who did not respond no to question six. Let me just remind you because some of you are new this time and you might not remember question six is.

So let me read question six. And do you individually and/or through any entity intend to apply for funding through the mechanism that is to be the determined through the work of this CCWG? So the point was that a star was added to anyone who indicated a no. Now the trouble and was then that because of the un-clarity maybe of the question the way it was raised we have probably too many stars.

Give you one example which is my own to explain the problem to this question. So I said probably not. Now I know personally that I will not apply for anything. There's nobody in the entity I know of who will reply. But since I work with a law firm and this is an international big law firm I would not be able to guarantee that in the context of more than 4000 lawyers they wouldn't be one who would potentially advise somebody. And I would not even know about it.

So that's why though probably not which just explains some of the difficulties we have in framing the question in the (unintelligible) and the context. Therefore we would recommend maybe a more flexible approach. And this would be the CCW participants and members shall notify the CCWG if they know certain that they or their respective employer organization will apply. So this would make it so much easier than just the way we have approached the topic right now. With this let me give it to Marika to explain it a bit more in detail. Marika are you ready?

Marika Konings: Yes, this is Marika. So as Erika pointed out the staff went through this effort. And we took a conservative approach in basically marking anyone that, you know, didn't say specifically as an asterisk which, you know, we recognize is probably casting the net too wide but at the same time we as staff do not really feel in a position to, you know, value or judge whether the maybe is a likely yes or a likely no.

So having discussed with the leadership team and it was agreed that maybe a better approach would be to actually do it now in the reverse way and basically look at the responses again. And those that responded a clear yes are the ones that will be marked. However that does mean that each of you is requested to actually go back through your responses and determine whether you need to update them.

You know, as Erika said, you know, that there is of course some difficulty in making that assessment. And Manal I think made a very good point as well on the mailing list that indeed one of the questions that is being asked of this group is to determine whether or not, you know, ICANN or any of ICANN's parts would be allowed to apply for funding which, you know, potentially would affect many of the participants as, you know, your respective SOs and ACs may apply should the CCWG decide that the answer is yes to that question.

So the proposal is to shift it to the other side and indeed only identify those members at this stage who clearly state yes. Request all of you to review your responses again and make sure that, you know, they are aligned with your current understanding of what your you as an individual or your respective organization is planning. And as Erika already pointed out under the previous item at the start of every call everyone will be asked to identify whether or not any updates have been made to a declarations of interest so that people are aware.

And again of course if we as staff have marked anything incorrectly you're also requested to notify staff of that as - and there's no automatic notification system that would flag to us if you have made any changes. So we ask for your cooperation in that sense as well. So I think that's in short the proposal that's on the table.

Erika Mann: Yes, thank you Marika. And of course it allows this approach because it is so much more flexible it allows you at any time when you hear something which the organization would love to do or you yourself love to do and which would impact the conflict of interest declaration to come up and just to notify the CCWG. And I think this is a very clear and very simple approach. I'm not seeing anybody – Kavouss is this still an old hand or is it a new hand?

Kavouss Arasteh: No it is a new hand. I think the issue is...

Erika Mann: Go ahead.

Kavouss Arasteh: ...very - hello do you hear me?

Erika Mann: Yes we do.

Kavouss Arasteh: Okay. The issue is very delicate and sensitive. We in another CCWG we had a written form to sign that this is our declaration. Should that declaration be changed there would be some modification first verbally announced and then writtenly submitted. It may change somebody may have a position today after five months, four months, three months has been changed. If they change the situation they will be subject not to biasing the group.

So I don't think that we should work on the verbal statement. First of all the text of the declaration of a statement of interest or a statement of interest must be first organized and arranged and made available to the people exact text. And then we have to see how we implement that. But it should be quite

formal because we are dealing with some issue which is very, very delicate and sensitive. Thank you.

Sam Eisner: And this is Sam on (unintelligible) if I can get into the queue?

Elliott Noss: Yes. And Elliott Noss in the queue please.

Erika Mann: Yes we put you in.

Elliott Noss: Erika can you hear me?

Erika Mann: Who was it?

Elliott Noss: Elliott Noss in the queue please.

Erika Mann: Who is it?

Elliott Noss: Elliott Noss.

Erika Mann: Yes Elliott Noss got you.

Elliott Noss: Thank you. Can you hear me?

Erika Mann: Yes we do, we do. Just to clarify to Kavouss, Kavouss we're not changing anything. There's no change. There's just a simplified procedure to notify so there's no change. And then to mark on the list so there is no change at all. We don't have to worry about change. And I think we understood your concern about the GAC. It's well taken. So there is no change. Let me go to Ching Chiao please.

Ching Chiao : Thank you Erika. So I'd like to probably just to make sure that, you know, everyone on the same page is that for example when the Board liaison declared their interest of I mean applying and to inform us that they are

representing ICANN the organization I mean the organization itself. So and based on the what have - what so whatever has been deliberated just then I think it's also important for the membership I mean the member organization the constituencies to firstly let them know that probably I mean number one we are not – we'll probably for example take ccNSO as one example is that we probably haven't really thought about ccNSO as one of the applicants.

So I think that's worth to kind of bring this issue back to ccNSO. I'm pretty sure that the members and also other CCs they would – they some of them may want to apply for the just to apply for a fund. So I think it's very I mean it's very good that we talk about this point now is that the Declaration of Interest is not just about the organization that you currently work for but potentially the member the constituency that you are representing could also apply for the fund. I would like to make that point. Thank you.

Erika Mann: Thank you Ching Chiao . Maybe to explain because some of you did not participate before to give some background to the point Ching Chiao is raising. He raises the point which is very important and interesting is the point that organization SO, ACs may want to apply for accessing part of the money.

And we have one case already that's why the debate and the discussion came up. And that's the boards which might be interested in requesting some funds for their own budget purposes. Now because of this we have this debate...

Asha Hemrajani: The fund.

Erika Mann: ...and I don't – sorry. We don't have to discuss this really right now it's just to explain – yes please who is talking?

Asha Hemrajani: Sorry Erika I was just saying this for the possibly for the - this is Asha. This is possibly for the Reserve Fund Replenishment.

Erika Mann: For that Asha, thank you so much. So this is the point Ching Chiao just raised so let me go back now to the list of people who would love to talk. Sam you are next.

Sam Eisner: Thanks Erika. This is Sam Eisner. I'm in the ICANN legal department. And I just want to make sure we don't lose sight in the mechanics of how the Declaration of Interest will be run and updated. And the - and how the question will be framed for the - I don't want us to lose sight of the point of why we have it. This is a different Declaration of Interest. It's more detailed than we have in other places in other CCWGs because of the type of decisions that are going to be made and recommendations taken up to the Board.

So what we need to make sure or from my view what we need to make sure we're focusing on is transparency and that we're transparent about the right questions. And so one of the things that we're going to have to make sure we're transparent about is are there people participating in the development of the recommendations of how the funds are going to be dispersed or, you know, the high level recommendations that will come out of this group who also have the intention to possibly apply for the fund?

Many people don't know for certain whether or not they will. But we have to make sure that we have a clear way of getting that on the record as often as possible in a transparent way because we need to make sure there's a record for the Board when it comes to their time to consider the CCWG's recommendations. That they understand what motivates the deliberations and the rationale for bringing things forward and that includes issues of interest of the participants, et cetera.

The Board will be highly scrutinized for any decision it makes over the disbursement of funds of the magnitude that we're talking about. And so we really have to make sure we're focusing on the transparency and the purpose

of this and not just the mechanics. So if we can always keep that in mind as we're participating. And I know from my side I'll think about and, you know, talk to the staff and chairs as appropriate if we have ideas of how we can help facilitate that.

Erika Mann: Thank you for clarifying the points Sam. I think it's well understood that the transparency is key for the board position in the future. So let me go to Elliott Noss. I think you are next on the list.

Elliott Noss: Thank you. I have two points I would like to make. The first is that I fear the changing the presumption like this really makes it such that, you know, almost everybody's answers are similar and not relevant. And so, you know, Erika I understand your problem well there. Reversing the presumption puts your answer on, you know, your answer is a good example of one extreme, on par with somebody who intends to apply but just doesn't know the rules yet so it can't be certain. And those are two very, very different circumstances.

I would suggest as a solution before I go to the second point which might be more important I would suggest as a solution that we actually do this in form, in open, you know, where somebody could put in a sentence or two describing the nature of their attention. At the end of the day we're going to have to as participants parse through no more than 40 or 60 different sentence or two answers. And I know for myself I would really appreciate that clarity in understanding how to interpret somebody's position.

The second point I'd like to make is that I fear that until we resolve, you know, as we talked about at the Copenhagen meeting and through the results of the survey I fear until we resolve the issue of compliance with mission and get some better sense of how narrow or how broad that is any approach to intention to apply becomes either extremely difficult or irrelevant. You know, there – I think that when we're talking about a very narrowly construed mission and the auction proceeds being dispersed in compliance with a very

narrow construction that will likely obviate half of people's intentions in any event. And so, you know, I fear that in order for us to really engage in the substance of our work we're going to have to focus on that point and getting much more clarity on that point, that point being compliant with mission than we have right now. And I have some suggestions in that regard but I'll leave that there. Thank you.

Erika Mann: Thank you (Elliot). I see similar point and quite a lot of support for what you said Elliott Noss in the chat room. And Marika made a recommendation that we could add a column which would allow a party who want to make a comment there to explain the - let me see if I can get just that I can actually read it so that everybody could write actually a response to Questions 6. This is very similar to what you recommended Elliott Noss.

I would like to support and I see there are many pluses so I can't see anybody objecting to it so I think we should move forward with this one. There's probably no need to go into further discussion about it only if somebody is totally against it right now. Please signal this either in the chat room or raise your hand otherwise I think we should move forward.

The second topic about you mentioned about compliance with mission is absolutely crucial and we need to spend time on this. I don't think though we have the time today and I would rather prefer we have a good separation done for this which will come - need to come probably from legal first evaluation and from staff so that we can then look at it instead of jumping into a purely intellectual debate. So with this led us move to I see Manal if I can see this right. Are you raising your hand?

Manal Ismail: Yes please if I can add#

Erika Mann: Please go ahead.

Manal Ismail: Just (Manny) said I agreed to or what (Manny) has just said and also to are you appreciate that transparency needed as described by Sam. But I'm just wondering how can we put this in writing in terms of what SO and ACs are supposed to declare? I mean it's not known whether it's going to be allowed or not that SOs and ACs can apply for such funds. So but again should the option be there I'm not sure whether SOs and ACs will be interested to apply.

So again I'm not clear even with the option to describe the situation. I'm not that clear what exactly to put in writing. This is my point. I'm not sure if I'm clear.

Erika Mann: I think you are absolutely clear and I think we have to test it. I think the most important point is what Sam said is about transparency. We want to be transparent to each other and we want to look into the future when the board will have to make a judgment about our proposal. So transparency is crucial and we will have to test this.

I don't think so we will have a quick simple answer immediately. But look like in my case where I explained my concern for a clear no. I will never participate. I will never request anything and nobody in my immediate in my environment will not do so. But I can't be certain and I can't make a judgment about 4000 lawyers which are part of the law firm I work with that not anybody in this environment will advise a client to request their help. That's why I would just put in just, you know, this what I just said in very simple language without going into detail but this very simple language.

In my case I don't think there would be ever a concern because I will never be part of anything but just to allow, you know, transparency to evolve then in this particular environment. But let's test it and let's go to I see Sylvia is on next on. Sylvia why don't you go ahead?

Sylvia Cadena: Thank you Erika. Hi everyone this is Sylvia Cadena. Look I was I just wanted to make a comment as for a member of the drafting team I think we also

discussed in great length and detail our concerns about this interest and declaration of intent. And that's why the declaration of intent came to be to try to separate, you know, the requirement of a group that is actually going to describe issues that are sensitive, are related to money where transparency and transparency will come at a greater cost for ICANN right.

So part of your idea of why this process was re-written in the charter to have a drafting team that only had our tentative interests now CCWG that has a statement of interest in an expanded or an extended declaration of intent that is separate from the actual allocation of funds and then a third stage where the actual allocation of funds happens so that the idea there was that yes there will be decisions and - well not decisions. There will be recommendations that we're going to the board from this group from the CCWG about how what mechanisms are to be used, et cetera.

But to point to put a name on it we have not our selection committee let's say. So we will not be let's say we decide to go in a grand scheme sort of mechanism which is only one of the many mechanisms available that we are here to discuss. So maybe let's say we go for grants and we are not the selection committee for those grants. So the we are not making decisions. We are not tasked to make decisions for the final execution of the fund so that's why our declaration of intent has some limitations also and for the same reasons that a lot of other people have explained the fact that we do not have all the rules defines is because we are the group that are supposed to work through the rules.

So I really think that if I know that isn't in the agenda but what I'm trying to say is that it is great that we want to discuss this plan and to try to cross all the Ts and dot all of the Is but there are many things that will come clearer as the discussion evolves. I commend the, I mean I think it's better that we have the possibility to modify our declaration of intent as those rules move ahead because there are too many unanswered questions. So I really hope that we can start with the question on the charter and slowly flow through the work

ahead because this is an issue that has consumed a lot of our time. And I don't think we can get all the clarity now because there are so many things that we haven't discussed that there are too many balls in the air. So thank you very much.

Erika Mann: Yes very valid points Sylvia. Sylvia reminds us again for those who are participating fresh so we are in the place where we are shaping the agenda for and we are bringing the framework practically together how in the future the allocation of the grants, the funds or whatever it is going to be the mechanism I call it will operate. But this is not - this phase we are in is not going to be about the allocation of these the funds or grants or whatever it is going to be. And there will be probably very different people involved in the next phase. So she rightly point out that the transparency is important and the topics which were raised by many but that we - it probably will have to move on to test it which I think she's right.

We have to test a little bit what we are trying to do with the transparency in this field. We have Kavouss next and then Asha. Let me go to Kavouss quickly.

Kavouss Arasteh: Yes and I think we could clearly say it's a little bit more conflict than what is explained. Let me give you an example. I Kavouss Arasteh I am associated with key entities one associated with myself. I could make a declaration of the intent of interest on behalf of myself that I'm not intending to apply through any fund of the auction so on so forth.

Second I am participating also as a member of the GAC. Then in that case I could not make such a statement because I am not representing the GAC in total. I am a member of the GAC but not representing so I cannot engage GAC that we will or will not have any intent to apply for that. The third attestation is the company or office that I work -- I work for the (unintelligible) -- I could make that a statement because it (unintelligible) that if you want that I participate at the meeting I have to make the declaration that you do not

have any intention to apply for this. So the first and third one is possible but the middle one SO, AC is impossible.

And now second, someone says that SO and AC would not apply. I don't think that that is the case. There has been some discussion in Copenhagen at this in one AC that may apply for the fund. It has not yet come up as a decision but it was discussed so we could not talk about the intention of a SO, AC whether there is or whether there is not. If we have to ask, you have to ask of them or if we decide to exclude them we have to exclude them that SO and AC as such and their constituency shall not apply or not eligible to apply for any kind of the auctions. So these are the things that we should be quite clear.

And then the last question is time. I could make the declaration that I don't have any intention but for how many years, ten years, five years? It's - these are on the line. So it's just that some time if you take it should be (unintelligible). So we should so that until then not notice of further to not notice I make this declaration. If the situation change that will change then I will be out and would not be allowed to participate in discussions and to answer for each constituency soon. So we must be quite clear about the content, the text and entities that this declaration is associated. Thank you.

Erika Mann: Okay. Let me take two more questions or comments. I see Asha and then Marika just mentioned that she is in the queue. I don't know why I can't see Marika. Somehow this is not working. We have to check why. So, Asha, please.

Asha Hemrajani: Thank you, Erika. So this is Asha Hemrajani for the record. I just wanted to refer back to an earlier point that was made about that this - at this stage we are not disbursing the funds but we are at the stage of where we are designing the mechanisms. And so perhaps this DOI is not of that much significance. I have to remind all of the statement that Sam just made earlier on in the call and that is when the time comes for the board to evaluate the

recommendations that this CCWG puts forth, the board will need to know under, you know, what was - what motivated those recommendations because the board will be highly scrutinized on that. And that's the point Sam was making in terms of the transparency.

If there's any possibility of influencing the design or eligibility criteria, that's the - if there's any possibility of that happening, that is the biggest reason for having the DOI. So perhaps, Sam, if you could elaborate on this or if you have anything more to add on this point.

Sam Eisner: This is Sam Eisner again. Asha, I think you really described I think from the outset the concerns here well. We know that this is the group that's making the direct grants. We agreed that that's part of what's happening, so no one's deciding that they themselves are going to get money just because they're participating in this CCWG. But the ability to impact the design and the ability to bring those influences to the CCWG and those recommendations will be brought up to the board, those are things we need to be aware of, right?

In any group across ICANN that we participate in, or anyone participates in, we have an expectation that we understand people's motivations in participating and the interests that they bring to the table. And this is just another example of that.

Asha Hemrajani: Yes, thanks, Sam.

Erika Mann: Marika, please.

Marika Konings: Yes thanks, Erika. So this is Marika. So I just wanted to confirm the action item here for staff and also having heard here the different comments maybe make a suggestion. So the suggestion would be to indeed encourage everyone, you know, to give everyone a week to look again at their declarations of interest and make any updates to question six, as needed.

And I think it's perfectly acceptable there to note down at this stage I am not aware of any intent of my organization to apply, which does not take away that they may change their minds or have plans that I'm just not aware of and that maybe goes to, you know, some of the SOs and ACs or just noting that, you know, it may depend on the outcome of the discussion here whether or not certain entities may even be able to apply.

And then that way then staff will go in and pull out the responses to question six and add a column to the table that you see on the screen in which we will just copy and paste that response so that everyone is able to see the exact response and there's no need for staff to interpret the, you know, yes, likely, unlikely, no answers, so everyone can see it there and then, indeed, with the additional reminder at the start of every call for people to make sure that they keep their DOIs up to date. There is of course a recognition that circumstances may change, people may change employers, organizations may change their minds but at least there is an obligation for members and participants at that stage to make updates and communicate those.

So hopefully if that is then a way forward and I've correctly understood that that's how you would like staff to proceed, we'll make sure to implement that as discussed.

Erika Mann: Marika, thanks. You will as well add this open column, this new one, that people can make comments, explaining their no or their maybe or whatever they want to put in. Did I understand you right?

Marika Konings: Well not exactly. This is Marika. We would just basically take the response to question six. So question six asks, you know, are you intending or is your organization intending to apply, and what we're requesting everyone now is to look at your responses again and put in the necessary qualifiers as you feel comfortable with, again, at this stage I'm not aware or, you know, my organization may apply but I don't have any knowledge of that, or something like that, what you believe reflects the current status. And we'll just copy and

paste that response into that column, because I think the DOI, the document itself still remains the kind of, you know, authoritative document, it's just then an easier way.

So we'll pull out the response to that question in this table so people can very easily see what that response to the specific question six was but it doesn't prevent others to go in and see as well what some of the responses to the other questions were and, again, you know, need as well to make sure that if they're updates that those are flagged so that the document can be updated.

Erika Mann: Thank you, Marika. That's a way of doing it. I'm fine with this. I don't see in the discussion anybody talking about an alternative. Kavouss, I saw that you have not seen this question. We will send this to you so that you can have a look at it. I would love to conclude the debate here about this topic, so if everybody is fine with that, I would love to move on and we test this new environment, see how it works, if you feel comfortable with it, and we can always come back to it if further changes are needed along the road.

So the next one is the one where we need probably a little bit more time and I'm glad we have sufficient time. This is the review of the board letter. I'll give you a very quick introduction and then would love to maybe ask Marika to guide us through it because I opened the document.

So the point was that in the time we debated, we received a letter from the board and the board clarified a few points and advising us or drawing attention to certain facts. We then had a discussion and said it might be good to bring a group of volunteers together, a small group, drafting a reply letter, a reply letter not in the sense I would recommend that we enter into a dialogue with the board. This is not a discussion on the point at this stage, but just we confirm what we can confirm and we point to our debate whenever necessary in our perimeters.

So a group might be good to do the letter. We could ask as well the staff to do a draft letter and then we review it. We do have many different options. But let me now give the floor to Marika to guide us through these critical points. Marika, would you love to take over?

Marika Konings: Sure. Thank you, Erika. This is Marika. So indeed on the screen you see that the document that we started prior to the meeting in Copenhagen and then discussed it there and subsequently we posted on Google Docs to allow for everyone to add further comments and suggestions, the idea behind this being, you know, breaking up the board letter into different items and trying to assess whether there was a specific question or comment the CCWG may want to make in response.

And as Erika just noted as well of course, there are different ways in which it could be approached. You know, it may not be the time or the moment to actually go in a back and forth debate but it may just be sufficient to at least at this stage acknowledge the input that the board has provided and recognize that in certain of these items, the working group may need to have further conversations or discussions but that of course the board input will be considered as part of that as well.

And, you know, going through some of the comments and I don't know if we want to go at items one by one, but I know that some of them are acknowledging the board input. Some of the comments I think already go into the deliberations that the CCWG may need to have. There's some items that from the staff side may even be able to clarify. So what I think the focus of the CCWG should really be are there any items in here where you believe further clarification is needed from the board at this stage or whether you recognize that this is input that is being provided which may not necessarily be where the CCWG will end up but that at least it's something that will be factored in or further discussions will be held on.

Because I think it needs, again, the first items here are, at least looking at the columns, I think it's acknowledgment or a thank you to the board for the points made in those. I think where some more detailed comments or questions come in is when we scroll further down in the bullet points in the documents. And again, there are some questions here for example on the budget that has been allocated as well as some of the hiring that has been done. And I think those are for example items that we've already discussed in this group.

And again, staff is happy to clarify that, indeed, there's no specific budget set aside for this effort apart from, you know, the staff resources that are already being dedicated in supporting this effort. I think we've already spoken as well about the advisers that the board has contracted with, that's an internal ICANN decision, that is not part of, you know, this CCWG's remit, although the board has very kindly made that resource available to this group should it be helpful or desirable.

Then in the third point it goes to the overhead costs. And again I think there were a number of comments made here on, you know, whether the board input meets with the expectation of people, also recognizing that there's probably a point that needs to be further discussed further down. So again, the question is, is there a specific question here that needs to be asked from the board or just an acknowledgment that at this stage it's input that's being provided and the CCWG will consider that once it gets to this specific point in its deliberation.

Point four, I think there were some comments here as well but, again, I'm not sure if it's a specific question or, again, just input that's being recognized. Where I think there were specific questions is strictly in relation to item six, the conflict of interest and, you know, to a certain extent of course we've already discussed that here as part of the DOI conversation.

So, again, I think the question for the CCWG is whether you believe any specific questions need to be asked from the board at this stage or whether you're comfortable with a draft being prepared to kind of acknowledges the input from the board but recognize that some of the points may need further consideration and deliberation by the CCWG and that at a certain point you may come back to the board with your perspectives on that.

So I think that's where we're currently at and trying to get clarification on as, you know, a general response would be easier to take care of, while if we actually started going into substance it will - may take more time to do that and the group may also need to consider does that then distract from the conversations you'll need to have on the different charter questions. So I hope that was helpful, Erika.

Erika, are you still with us? I see Erika typing. And we may have lost her on audio. Ching Chiao , I see your hand is up, so maybe you want to get started. And, Erika, maybe you want to try to reconnect to Adobe Connect or if we can dial out to you, just give us your number and we'll set up a dial out.

Ching Chiao : Probably - thank you, Marika. So I think probably we need to get Erika back to the line. So yes I mean I have one - actually the comment to what, you know, actually Erika was - just talked about, you know, that pretty much the board sent the letter, so I think as we've all seen the letter before the Copenhagen meeting, we're glad that board choose to liaison to join, you know, in, you know, as a regular basis.

So (Steve) was also there in position. So basically, we thought in our leadership meeting, you know, we thought that it's, I mean it would be good to just to make a reply but not to open a dialogue here. But on the other hand, from what I just glanced over once again on the letter itself is that probably it's for the group is to take some of the board advice, just for example, we've talked about the budgeting for this group and also about the transparency issue, the DOI issue.

I think we pretty much covered the DOI, the transparency. I think that's a very good follow up kind of call to the board's advice on the work. So I think the other one from what I see is that we probably can also to stop this, you know, a follow-up action on planning how would be something that the group would need in let's say in the future, you know, six to nine months or, you know, for the physical years, so within ICANN using the existing, you know, the operational budget, I think it would be worthy to take that particular letter as kind of a new way for us to take the action for the, you know, to set up some budget for the group.

I'm not saying that it would definitely something that would happen as we talked about previously, but I think since the board brought it up and we've talked about the issue I mean, you know, I mean previously so I think with that, you know, this could be a new way for us to initiate some thinking and maybe some planning on the budget. Yes, just wanted to make that point. Thanks.

Marika Konings: Thanks, Ching Chiao . Erika, do we have you back on audio?

Erika Mann: Let's try. Can you hear me? Can you hear me all right?

Marika Konings: Yes we can.

Ching Chiao : Very good.

Erika Mann: God such a crazy Internet connection today. Really sorry. Yes, just clarifying this, Marika and Ching Chiao , I think we - do we need to go through the different points? Would you like this today or shall we - let's have a look at the topics which are maybe the most problematic where we need your input which we haven't discussed yet. I think the declaration of interest we have a good understanding. Are there other topics which you think we should pay more attention to for drafting the reply letter, the draft reply letter which will be

then debated, discussed again in this group? I see somebody who is, is it (Inya), wants to raise comment. Who is it?

Marika Konings: It's Hadia who has her hand up.

Erika Mann: Hadia, sorry. Everything is blurred on my screen. Hadia, please go ahead. Hadia, please.

Marika Konings: This is Marika. Hadia, we cannot hear you. If we can help with you a dial out, please ping us offline or put your number in the chat and we'll get a dial out set up. And, Erika, this is Marika, if I can just add maybe...

((Crosstalk))

Marika Konings: If I may suggest that we note that as an action item that members and participants are requested to identify, you know, which part of the letter warrant a specific response or question and they can maybe provide that input in addition to of course what has already been provided that you see up on the document, and then maybe staff can work with the leadership team on developing a first draft, which would then go back to the full CCWG for their input, you know, along the lines as you outlined.

Erika Mann: We can do this. What would be the timetable you would recommend?

Marika Konings: This is Marika. If we give everyone a week's time to flag any issues and then hopefully that would allow us enough time to have a draft ready for the next meeting in two weeks.

Erika Mann: Yes I would like this. I think a week is a good timetable. We shouldn't be too late because I think it is good that we express our thinking. So we do one week. We will do - everybody has time the next week to comment. Staff will review them. We'll do a very first draft of a draft letter. Kavouss we then can still consider, if it becomes too complicated, we can still consider to build a

smaller drafting team as was part of my recommendation because it was debated before.

But we can then discuss it and then we would come back to the CWG in building such a small group if needed. Otherwise we will have a debate, a follow-up debate, after we have received and discussed in the leadership the draft, the last draft letter we would receive from staff. Can we agree on this?

Wonderful. Thank you so much. I see confirmation and I see that Hadia still has difficulty in hearing us. Can maybe somebody find a way of either connecting her or find a different way of being part of us? Thank you so much. Okay wonderful. We are moving so fast today.

So let's go to the next item, which is actually the initial review of charter questions and work plan. Quite - I think quite straightforward but it might have some topics where we will need to have a discussion about it today. Again, Marika, we need your help again. Please be so kind and explain and guide us through this topic.

Marika Konings: Yes thank you, Erika. So as you may recall, and I mentioned in the beginning, we conducted a survey amongst the working group we need to get a sense of how to approach or tackle the different charter questions. And based on that survey and even prior to that, there were already a number of suggestions that, you know, the questions probably could be categorized in a certain way. There was also a sense that, you know, we should get a better sense of each of the questions and probably, you know, run through those at a high level to get a bit of a sense where, you know, people stand, if there're initial responses that could be considered, you know, or any clarifying issues or any expertise that may be needed to get a response to the question.

And of course that we need to feed into the work plan, which is where we originally started out in how to, you know, tackle the charter questions and how to eventually of course get to an initial report. So as part of the

discussion with the leadership team, you know, factoring in the survey response, well also some of the comments that were made, and there was one comment in specific that alluded to that and I think it's also something that had already come up in the leadership team, is indeed how to go about, you know, getting from the longest of charter questions to, you know, initial report.

So what I just pulled up on the screen, and it's something we haven't shared with you yet but came out of the leadership discussion, there's a potential approach that the group may want to consider in moving forward in a systematic way in tackling the charter questions and also, you know, recognizing that of course the overall objective is to agree or come to consensus on a mechanism that would be put forward for community consideration as part of the initial report.

So the idea that is outlined in here is that, you know, on the number one, and that's something that we had already discussed in previous meetings, that we would start off with an initial run through of all the charter questions. And again, that could be done in the way that is currently been groups, where I think some focus more on the framework, the mechanisms, other aspects of, you know, scope and those kind of questions. But these just run through and to be able, you know, to capture some of the initial responses.

And some of that has already been done in the form of the Google Doc, so we can, you know, use a summary of to see, indeed, is there already a common sense of where the group stands or, you know, two or three different positions that are being advocated. It will also help them to determine the potential order in which questions need to be dealt with. Because in certain questions it will be very obvious that there's a linkage with other questions. You know, I cannot answer this question until I know what the answer to that question is, or whether, you know, a question will determine as well responses to other questions.

Again, it will help identifying, you know, sub questions or clarifications that may be needed to really make sure that there's a common understanding of what is being asked in that question, and it will also help to identify that the expertise that may be needed to help inform the deliberation of questions. So it would then allow to already start, you know, building a list of, you know, what are specific questions that need to be answered that the CCWG itself will not be able to address that may need to go to some of the experts that we've identified within our group or, in certain cases, is there a need to have, you know, search for external expertise on some of those questions.

So after having done that, there's also a sense, and I think it's a point that a number of people have made as well, that, you know, there's only a finite list of possible mechanisms that likely can be considered by the CCWG. I think many of you have already alluded to grants, trusts, foundation. Presumably there's a limited set of options that can be considered.

So the idea would be then for each of those options to kind of detail so what are the characteristics of those options, conduct a kind of strength-to-weakness assessment for each mechanism, you know, what we can see as the pros or cons, already start reviewing those as well from the perspective of a legal, fiduciary and audit constraints that we have discussed. And the hope is that maybe through that work, there may be a clear frontrunner, or frontrunners, that appear to meet, you know, some of the criteria or the objectives that the working group has laid out, part as well, you know, as a result of deliberations on the charter question.

And then the idea would be once the CCWG has made that determination whether there's one or two or three possible mechanisms to then take that mechanism and run through each of the charter questions with that specific mechanism in mind. And again, you know, expertise may be needed - may need to be obtained as needed as part of that effort. Of course we would, you know, try to get to consensus then in view of that specific mechanism for

each of the charter questions. And also very importantly, of course, assesses how that aligns with the legal, fiduciary and audit constraints.

And as part of that effort of course, there may at some point be a realization that oh we actually - there are some flaws in this mechanism, which means we no longer believe it's viable or a desired solution, which then of course allows you to go back to point three and pick up one of the other mechanisms and basically go through that same sequence again. And then hopefully at some point in time it would you land the group then on point five, whether there would be broad agreement about the mechanism that would be recommended as well as the responses to the different questions, which would then be the basis for the initial report which would be published for public comment.

So that's the broad outline that staff has put together based on the conversations with the leadership team as well as the input and feedback that was received on the charter on the survey, so we're basically, you know, putting this now to you to see if you believe that this is an approach that has value and should be considered in moving this forward, you know, are there any tweaks, is there any concern about taking this approach?

And of course, you know, once we have your feedback and input, you know, we'll aim to translate that into an updated work plan with, you know, the different milestones clearly laid out in there, as well as a target deadline, which I think the last draft we had I think the end of year in sight for the publication of an initial report.

I've actually just lost connectivity to the Adobe Connect room so I'm going to log back in again, so hopefully, Erika, you can take over here.

Erika Mann: Yes thank you, Marika. Let's see if it's working on my end. So the basic idea is a very simplistic one and I'm extremely grateful for what Marika has done. And I think it's a nice overview which gives us an idea how we can approach

various scenarios and options which will arise when we review the chartering questions. So this gives us an idea then and hopefully once staff has gone through it, we will hopefully then have a clearer understanding what are the most likely best scenarios we can work with.

We have a kind - an ideal case, a kind of hierarchy where we can see what (unintelligible) because for example in response to legal constraints well if the board responds well to fiduciary constraints, so it gives us an idea and will guide our discussion hopefully. So I'm looking if we can get - I see plus, plus, which I like to see on the - in the chat room. Anybody who would love to maybe comment on it?

Marika, what is the timetable you have in mind for this? Oh I see you, (Sylvia) and (Wanda), sorry. Sylvia, go ahead. (Wanda)? No? Dropped. Okay.  
Marika, are you back with us?

Marika Konings: Yes I'm back and also back in Adobe Connect. So I think...

Erika Mann: Thank you, Marika. What is the time you need for this?

Marika Konings: Well I think the next step would be indeed, you know, to circulate this document to the group and allow for everyone that, you know, had to drop off or wasn't able to attend or for all those of you that may need a little bit more time to digest it to weigh in on this and, you know, if there's no - if indeed people agree that this is the approach to go for, I think we can then translate that into the work plan and I think it would basically mean that the next meeting we would start on point one, where we would start the initial run through of the charter question.

And again, we may use a kind of mind wrap approach for that we kind of organize the discussions on each question in a number of categories. And again, I think it's something where we may need to put a little bit of thought to

and, you know, discuss with the leadership team on what would be the most effective way on managing the conversation.

As I noted before, you know, many of you already contributed to initial responses, so again, there's probably an action item for staff to look at those initial response and try to digest that. And that may also be a helpful starter of the conversation portably. And again, I think we need to probably see as well the order in which we start the discussions.

But as I said, I think the responses to the original - to the survey and as well as some of the suggestions that were made earlier are probably a good guiding base, although everyone will need to be I think cognizant that, you know, in some questions your response may be well I don't know yet, it depends on what the response is to this other question. But I think at least that will make very clear as well what the linkage is and as well, you know, help us work through the discussion.

You know, I think we discussed as well briefly in the leadership team that there may be a number of gating questions where for which an initial response will be very helpful, as it will determine, you know, the direction of the conversation. And, you know, one example to look at for, you know, if you look at the question of should ICANN be able to apply or part of ICANN be able to apply, you know, if the answer is yes to that, if you then look to mechanisms, in that case it may not be appropriate for the funds to be managed within ICANN.

So that kind of, you know, there're certain consequences that may come from discussions of the questions that will then help the group on point two to really define, okay, so what are the possible mechanisms, factoring in what our initial response is to some of these questions. And of course, you know, vice-versa as well, if there's a response that ICANN a subsequent - subsidiary parts cannot apply, well maybe then management of funds within ICANN would be a potential option to further explore.

So again, hopefully the systematic way of doing this may really help the group in moving forward and narrowing down the options that align with your responses to the charter questions. And to the question of timeframe, I think we just need to map it out. You know, based on this framework we'll need to map out how that aligns with, you know, our two weekly schedule, you know, some of the meetings that we may have at ICANN meetings, and based on that, you know, kind of guess where that hopefully lead us.

As I said, I think the original work plan had an end of year target date but of course, and I think I've mentioned this before as well, if at any point there's a desire for the group to speed things up, there are things that you consider as, you know, increasing the number of meetings, increasing the length of meetings, there may be ways, for example if initial deliberations on the charter questions take up a lot of time, you know, maybe there are sub teams that can do some pre work.

I think there are some mechanisms you can look at should at some point you believe that it's taking too long and there's a need to speed up. But it's in your hands to set the target date. And of course, you know, from the staff I will do - we'll do the best we can to support you in meeting those targets.

Erika Mann: Thank you, Marika. You are still the best. I mean it's a fantastic team we have supporting us. So I think it will be good when you do - when you prepare the next step and then bring it to the leadership and then we bring it back to this group, that we maybe can have some indication about the timeframe. I see some comments here about this as well in the chat room from Kavouss for example. I think it will help us because it will be important that we have sufficient time at the end of the year to review everything we have done.

So we should maybe from, I don't know, I'll leave it totally up to you to review this and to make a recommendation. Maybe by September I think we would have - we would want to have three or October, probably not later. But all of

the chartering questions at the latest, I'd rather much earlier, but I'm German so I'm always for everything to be done very early. So I will be very patient. And I like the support very much.

So let's move forward. I see Ching Chiao is on the list and then maybe we can move on to the next topic if we don't have further questions. Ching Chiao, please.

Ching Chiao : Thank you, Erika. And as you said - correctly pointed out, I think so for Marika, this chart is very organized. I think this approach definitely works. And I'm also cautious of time of giving people, the members of, you know, to think about, you know, to have enough time to think about all the possibility, all the scenarios.

So I'd like to offer just one, you know, maybe a recommendation is that we spend, you know, quite an amount of time talking about legal, also for the fiduciary questions, so - but the scene for Marika's chart is that is on step two where we started to look at those, but I would probably urge - I mean also just to recommend that in step one we probably should keep those in mind.

So while we, you know, embark this journey of putting together the scenarios, all the possibilities, I think this will save us some time if we consider those contents at the - also at the early stage. But I mean in general this chart definitely works but I just offer, you know, this kind of word of caution. Thank you.

Erika Mann: Yes perfect. Thank you, Ching Chiao. I see confirmation from Hadia, Kavouss already mentioned before his support, (Elise), Asha, and (Sylvia) and (Wanda). So yes, Marika. It makes your work a little bit more complicated but go and spend some time and reflection about how this work we are doing with regard to the chartering questions, how we can bring this into a timeline, and keeping in mind that everybody needs to have sufficient time and that many will have to go back to their SOs and ACs. So try to maybe do a, from

your own point of view, look at it and make a recommendation how you think we could time this. Is this working for you, Marika? Marika, have we lost you?

Marika Konings: No. I'm still here. This is Marika. I just needed to get off mute. No that works for me.

Erika Mann: Thank you so much. Okay, I see no further questions. I notice all the incoming checked comments. None of them is against this approach, so I think we have an understanding that we can move forward. Wonderful. I like this. So then with this we come to the last item, and we can stay on our timetable today, which is wonderful.

So we need to confirm the next step. We had already a discussion about Johannesburg, so I don't think we have to pick this up again. If somebody wants to make a comment about - I'll wait in the chat room a point relating shall we have a meeting if we can get this in Johannesburg, just please send a chat comment.

Confirm next step. Marika, do you want to remind us about the next steps?

Marika Konings: Yes this is Marika. Basically I think the next steps are the action items that are listed in the notes that you see on your right hand and we'll also circulate those to the mailing list so everyone knows what they're expected to do ahead of the next meeting.

Erika Mann: Excellent. Thank you so much. Thank you everybody. If there are final comments somebody wants to raise, an additional point? No. With this, I wish you, wherever you are, a wonderful day. Let me thank in particular colleagues which are on the Asian side. For them it's quite late already, so thank you for participating. And thanks to everyone and have a wonderful and great day. Take care. Bye.

Man: Thanks, Erika. Bye. Thanks everybody.

Woman: Thanks. Bye.

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