
ICANN76 | CF – Joint Session: ICANN Board and ALAC
Monday, March 13, 2023 – 13:30 to 14:30 CUN

LEÓN SÁNCHEZ: Good. So are we good to begin? Well, thank you very much everyone for being here. This is the joint Board and ALAC meeting. And as usual, maybe it would be good to go around the table to see if we have any new faces that we haven't met before. So if we could just go around the table to see who's with us? I mean, we already know each other, but for the benefit of those who are participating remotely, it would be good to see or to get to who is at the table.

JONATHAN ZUCK: Cheryl, how is the NextGen program been going for you?

CHERYL LANGDON-ORR: [00:01:33 -inaudible] NextGen. For heaven's sake, they'll hear me in New York if you put it back close to my voice. Cheryl Langdon-Orr. I had served a number of spaces and capacities for the At-Large community and indeed the ALAC over the years, but also beyond that space. I'm definitely not a new face. But here I am simply at the beck and call of the ALAC chair who gave me a job to do.

MAARTEN BOTTERMAN: Maarten Botterman, a long standing fan of ALAC, but on the ICANN Board.

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MATTHEW SHEARS: Matthew Shears, ICANN Board.

BECKY BURR: Becky Burr, ICANN Board.

JAMES GALVIN: Jim Galvin, ICANN Board, SSAC liaison to the ICANN Board.

TRIPTI SINHA: Tripti Sinha, ICANN Board.

LEÓN SÁNCHEZ: León Sánchez, ICANN Board.

JONATHAN ZUCK: I'm very excited to be here at this meeting of the Board and be excited both at the same meeting. Jonathan Zuck here, part of the At-Large community.

AVRI DORIA: Avri Doria, excited about being here with the ICANN Board as a member of the ICANN Board.

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- EDMON CHUNG: Admin Chung, excited to be here as well. A former ALAC member, but currently serving on the Board.
- ALAN GREENBERG: Alan Greenberg, excited to be here as ex-ALAC member, ex-ALAC chair, and currently hanger on.
- JUSTINE CHEW: Justine chew, terribly excited to be here with you. Lovely place. Yeah, I I've gone through a number of roles as well. So I think currently, the ALAC liaison to the GNSO. Thank you.
- JOANNA KULESZA: Joanna Kulesza. I appreciate the opportunity to be a part of this exciting meeting. I am the ALAC vice chair and the GAC liaison. Thank you.
- LEÓN SÁNCHEZ: Thank you very much. So those are the ones who are seated in this table. And what I propose we have, of course, we have our agenda. And I would like to propose that we switch the order in which we have the points here in our agenda so that we're-- oh, no, no, actually, I think they're in the right order. So what I would like to propose again is to address the questions that the Board has posed to the ALAC first. And then we can go and address the questions that you have submitted to the Board. So, Jonathan, I handle to you so you can guide us through answering these questions that the Board has posed to you. And out of course, feel free to call on anyone.
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JONATHAN ZUCK:

Thanks, Leon. And thanks for letting me start things off with a particularly thorny topic here. I have heard that Tom Cruise with every person, actor he's worked with, he sends a coconut cake every year to them. So that's just one thing to consider. But as far as appreciation of volunteer work, I think it's a difficult topic and it's probably the wrong formulation of the question. It's a challenge, I think, for all of the constituencies within ICANN to find competent, enthusiastic volunteers to participate in these often long drawn-out processes that ICANN has.

And I guess if I think of Maslow's hierarchy of needs or something like that, my guess is that that feeling is probably most acute among the ALAC, even though I'm sure everyone feels that about their constituency as well. And I think part of the reason of it is, is that our constituency more than any other doesn't have another reason to be here. Right?

It's a sort of a true volunteer community without a business to go back to or advantage to gain somehow through the outcome of some sort of policy development process. And so I think we find a situation particularly within the At-Large of people coming on Board, participating a little bit and then falling away and people feeling it's not worth this level of effort.

And so I don't know that we have great concrete suggestions along this form, but a couple of things, I guess, come to mind. One of the interesting aspects of our participation in these processes is that we have veterans, I guess, that for reasons that are hard to imagine have stuck around to continue to contribute to the process. We have two of them here at the table, Cheryl and Alan, that have are just stalwarts of

the At-Large community. And their value is both in terms of historic perspective.

But also ongoing work and participation at the ground level, chairing work groups, participating, writing public comments and things like that. It's not a passive participation of a mere adviser or something. And at the same time, we have new and young people that are interested in becoming more involved. But I think always feel kind of separated from the action because they're not part of the people traveling to the meetings and things like that.

And so I'm faced very newly because I was mostly protected from this when I was the vice chairman of policy. I'm faced with this notion of I get this asked this question by staff, who do you want to use your extra slots for, your extra travel slots? And it's a very difficult question and answer.

And so, I mean, a part of me would be interested in trying to find some emeritus role within the At-Large for the ex-chairs, etc., that do remain significantly active to be a kind of a given here the same way that some of the specifically titled people are, so that we really have a few of these travel slots to experiment with, right? It's not all going to work out. We're going to bring some people here that are going to be a disaster, but I feel like some experimentation of bringing some younger people on I think would be well worth doing.

Beyond that, I think that there's also some, I don't know. There's some operational things. Like we've brought up issues like the use of Slack, for example, and how that could be made available to the community. One of the problems is that email is not a particularly well suited tool

for consensus building and active conversations. It's really designed for bilateral conversations.

If you start to have an actual discussion going on within two days, one thread has become 10 threads that all have the same subject line and a third of them are now not even about that subject anymore, etc. There's no way to capture what arguments are being made on a particular topic, how things are being resolved, etc. And there are modern tools that are designed for that purpose to allow for groups of people to come together and try to form offline consensus on issues. These are like Slack and Lumio that came out of the occupied movement and has become an incredible piece of open source software.

The studies abound out there in the world of research that the more diverse the inputs are into a decision, the better that decision is. The more perspectives in terms of age, gender, ethnicity, geography that come into a decision making process, the better the decision. Secondly, there's also research that suggests that the more people that are part of making a decision, the more likely that decision is likely to have a successful implementation because of the buy-in associated with this broader participation.

So much of what we end up doing gets focused on these calls that are too short and yet too frequent for people to come up to speed for people that are more timid to participate. And so really focusing on the software that might, and maybe this is through some sort of a pilot or experiment, but the software that might make offline collaboration more effective and give a voice to people that either culturally or

insecurity about their level of knowledge, etc., an opportunity to participate. I think those are both things that I'd be interested in recommending.

Beyond that, I'd like to invite Joanna. And I don't know whether if you'd like to respond or something or we can keep looking to. Just the Board chair. Yeah, okay. You're welcome.

JOANNA KULESZA:

Thank you, Jonathan. I have a question. Maybe I didn't follow what you were saying, but you said when you're asked to fill the empty travel slots, that's a difficult problem for you. Why is it difficult? I've missed that subtlety.

JONATHAN ZUCK:

I don't have trouble filling them at all. I have trouble weighing who to give them to because I have these stall warts that I can count on, and then I have these folks that I really want to experiment with to bring them in.

LEÓN SÁNCHEZ:

So, yes, if I'm hearing well, a possible way to better recognize the volunteer work that you are all doing could be, as you say, to have this emeritus status for former ALAC chair who remain engaged and actively contributing to the work and the mission of ICANN by securing slots for them while also having these discretionary additional slots for people that you want to bring in, right? Like sort of, try new things. And I see Alan and Avri. Alan was first, Avri, and then I'll go to you.

JONATHAN ZUCK: Just a very quick comment, unless things have changed radically in the last few years, we don't have spare slots. The only time we have spare slots is if someone can't travel for personal reasons or visa reasons. Just to make it clear to everyone. I don't think there really are the concept of the spares loss. Occasionally, and with current visa issues, we have lots of spare slots, but that's a different problem.

AVRI DORIA: Thanks. Yeah, I want to talk about the other subject that you were going on and sort of associating and make sure if I understood it correctly. That one way to better appreciate volunteer's work is to give them appropriate tools. And I so much want to say how much I agree with just about every word that came out of the mouth on that subject in terms of the tools we have, in terms of the inappropriate tooling that we so often inflict upon working groups and stuff.

We're traditional, and we've got these old tools that we've been using, they're tried and true, we know how to maintain them, so they're safe tools. But you're right, over the last 10-20 years, the number of tools for collaborative work. You know, perhaps Google Drive is one that we sort of use. But beyond that, there are so many that we haven't experimented with.

We haven't started including in our stable of tools that some of them are used by staff, but not by the rest of us. I so heartily endorse what you said about. You know, one appreciates one's work by giving them the right tools. Thanks. We've had lots of conversations on how to show

appreciation and that particular aspect of, I appreciate you, therefore, I give you the right tools is a really good rule. Thanks.

LEÓN SÁNCHEZ: Thanks, Avri. Edmon.

EDMON CHUNG: Edmon here. And building on what Avri said, I think tools is important. But also responding to Jonathan's suggestion, well, I guess, in some ways, travel support is also a kind of tool to get them to be at a face-to-face meeting. I think the suggestion is quite interesting. I guess this is the first time I heard of it. Maybe you've requested out of the places. But having the emeritus concept allows us to kind of recognize long term participation and contribution and also gives the ALAC, I guess, a little bit flexibility with providing support to younger and eager minds that we can experiment with. I think it's a really interesting idea. Of course we should definitely take it back and think further.

LEÓN SÁNCHEZ: Thank you, Edmon. I think Joanna wants to talk.

JOANNA KULESZA: Thank you. Just to chime in on that, I strongly support everything that has been said. And we do welcome Sally's initial intervention to provide feedback on how to best address the further advancement of the multistakeholder model and we're looking forward to the dedicated session.

As At-Large, we strongly feel that the voluntary input complements the multistakeholder model as it stands. And if we do not cater to the needs of the volunteers, we risk the multistakeholder model losing its value. So this is a particularly important topic. Now At-Large as Jonathan explained, is unique in its nature and in its character because we largely rely on volunteer input. The discussions we've had internally resulted from the fact that as much as we have done tremendously well in attracting new talent, we have struggled with retaining it. And this discussion has led us to think about defining a volunteer. We've devoted a lot of time to that trying to understand who is a volunteer, there's a context of transparency behind us and the statements of interest help, but it seems as if they do not go long enough.

There's also the question of metrics. How we might wish to measure the actual input, and this has proven particularly challenging for hybrid on online meetings. Now, the pandemic has been beneficial to us being able to work remotely, and I do note the numbers going up for remote participation as we have gone through the pandemic. But one could say that these hybrid circumstances were nothing new to ICANN who has developed its operational model on remote participation. Whether there is a way to recognize that kind of input also with metrics, remains an open question.

We do welcome all the tools that are available. And At-Large has greatly benefited both from the NextGen program and the fellowship program and the additional budget requests. We would be interested to work further to best understand how they might help us address the needs of volunteers however, we decide to define them and measure their input. Maybe there's a way to work in a more focused manner. Supporting

volunteers that provide input within dedicated topics for a limited amount of time as opposed to continuing in that capacity.

What we have observed within the At-Large is that as much as we, as already said, managed to attract new participants, they do use the opportunity to learn and build capacity within the At-Large, whereas they might find better opportunities professionally and individually to develop within other constituencies. We appreciate the opportunity to help them learn, but we will also like to be able to retain them and stick around for a little bit longer as Cheryl and Alan have done. And they're unique. There's no other Cheryl and Alan, but we would like to be able to support those who are the newcomers.

I think there is also a generational issue that we might wish to address. I am not too fond of the word millennials, as I find it tremendously disenfranchising. But at the same time, the younger generation has a bit of a different perspective on whatever volunteering might be. They do have a different perspective of how they wish to contribute to specific technical communities and their awareness of the role that the names and numbers play might be different than in this distinguished circle. So with all of that, we welcome all of the opportunities that are already on the table. We are eager to work further to better understand and define what volunteer input might mean and how we might wish to measure that.

The At-Large has put forward proposal for further developing the Atlas ambassadors, as we call them. There is a proposal for a mentoring program, which is one of the opportunities we might wish to seek, and we are looking forward to working closely with the Board and the ICANN

team to better understand what those needs are and how they can be addressed. That's all I have. Thank you.

LEÓN SÁNCHEZ: Thank you, Joanna. Alan.

ALAN GREENBERG: Just another very brief comment. I seem to be the historian today. In terms of tools, just to be clear to the Board members who may not be aware of it, we have proposed a number of tools over the last number of years. And in general, we've been told, sorry, we don't have that or we refuse to support it or we won't pay for it even when we're talking about relatively simple things. So there's got to be support from staff to encourage us to do it and to and to allow us to do it. In some cases, we've been told simply no, you're not allowed to use that. We won't advertise it. We won't tell anyone about it.

LEÓN SÁNCHEZ: I'm going to come back to that point after we hear from Maarten.

MAARTEN BOTTERMAN: Yeah, thanks. Well, one of the things ALAC has been excelling in is to see how to best get new people onboard and integrate them in the work streams and everything. And you've been exemplary in that over the years. And experimenting is a key word in that. So I fully appreciate that all in for experiments. And I also see that if you have a limited number of travel slots, a competition between those who bring in the

experience and those who bring in the new blood is not an easy competition. It's what some will say it's apples and pears. How do you do that? So I can see that.

But I also notice that for bringing a new blood, we do have the whole how do you call it, the program that you've been coming in prior? NextGen, fellows. And so the question is, we could also think of so, how do we better use that program for the benefit rather than carve out a little bit for ALAC, a little bit for NCSG and maybe the contracted party house doesn't need it, but maybe they do too, etc. So just thinking opening the mind in, so maybe we can have a more inclusive solution and continue to improve on the way we facilitate new blood coming in.

LEÓN SÁNCHEZ:

Thanks Maarten. Of course.

JONATHAN ZUCK:

Thanks, Maarten. I think that's a very good idea. The irony is that many of the people I'm talking about are alumni of those programs. Because the programs themselves are very focused on bringing people in through a particular educational track trying to bring them up to speed. I mean, as all of you know that your first four meetings, you just sat there like this right, trying to figure out what was going on, and that's the same for them.

And then the ones that sort of percolate out of those programs and show an interest in participating more and being on a little sub team or something like we did an end user survey on IDNs. And we had

a couple of people from there that had gone through the fellowship program. But, okay, I can do a little bit more. I can do a little bit more in finding those points of opportunity and identifying, okay, that's somebody that really stuck with it. How can I nurture them further, right? So I think those programs are critical and important, but the graduates then are left adrift in a way afterward.

I mean, one of the challenges that I, and I'm not alone on this, have raised in addition to metrics. My other frequent rant is on this notion of periodic participation. There's so much about ICANN that's all or nothing. Like the idea of signing up for a five year work group or something like that is going to be intimidating to anybody even if it's relevant to their job. Right? Let alone somebody that's just trying to do it on the side. And I still believe that it's something that ICANN needs to work on through scoping and things like that to allow for the participation of people that have an interest in a particular aspect of what we're doing and for us to benefit from that expertise and then let them go again afterward. And I think there's some challenges there.

One of the features of ITI as it's coming out is a subscription functionality that says, okay, I'm interested in the public comments on these two topics, for example. I'm very excited about that functionality making it over into the At-Large content management because we could have the same kind of issue that allows people to say. Because we have all these RALOs, ALSes. All these ALSes, we have, they have other agendas other than ICANN. ICANN is one of their many interests.

But if they're really interested in security, they could check that box and then not get a spam from us every time there's something to discuss,

but only when there's something related to security. So ITI is still something that I'm excited about as well. So I want to acknowledge things that are happening that I think are valuable for sure. But again, threaded discussion tools and things like that provide that type of ability as well.

LEÓN SÁNCHEZ:

Thanks, Jonathan. And coming back to this point and what Alan was saying, I understand. I mean, it's easier to say things than do them, right? It's easier said than done. And in my experience as Board member, what happens is that, well, you have an idea of implementing a new tool, trying new things, etc., etc. But it's not just about saying we would like to have this. There's a lot of background things happening, right? So I'm speculating here. I'm not a technician, of course, but I assume that there are some security implications. I mean, lots of things behind implementing new tools. Now that doesn't mean that just because we have all those challenges and those hurdles to tackle, we shouldn't try it, right?

So what I'm trying to say here is that it would be good, and I'm looking at Sally to see if it would be possible to try, let's say, maybe one or two tools, pilot then and see how it goes. Right? If it doesn't work, well, it didn't work. And we proved that it wasn't worth of maybe trying. But if it does, then we have a success story. And we have something that we can provide to volunteers to make their lives better. How does it sound, Sally?

SALLY COSTERTON:

Thank you, Leon. And thank you for this conversation, and I appreciate it. And I've been part of this discussion for a number of years. So I feel very close to the issues. Yes, I think that we should always take that view, Leon. I think there should be a sort of ongoing state if you see what I'm saying. It's very interesting hearing what you were saying in general in your comments. And I think what I would encourage is as you work together in whatever committee structures, because there's different parts of the At-Large all have this common issue, I think, regardless of what structure you're in.

Inside an ALS, for example, we're working with the RALO chairs, as you know, at the moment to encourage look at in-reach. At-Large course in-reach. How do we activate some of our users who are, in theory, belong there on a mailing list, but they don't participate. And maybe one of the tools that we could look at is what Jonathan is talking about. How do we go topic specific? And it also, I think, ties into what you're saying, Joanna about different, I don't like millennial term either, but I know what you mean. We've got to find some term.

It is a different generation of volunteers. On the one hand, volunteering has probably never been more popular. Certainly in a sort of major in America and Europe than in my lifetime. You know, this is a whole generation of people who passionately want to be part of the organizations like ICANN. But they need focus. They need to know well, how do I do that? And what particular aspect of ICANN remit am I excited by?

And I think we've moved past the point where it's about getting people to ICANN meetings or even getting people to participate in policy

making processes in working groups. It's not, not about that. We'll always need to do those things. But what you're talking about, I think, is the next phase of maturity for the At-Large, where we look at, how do we start to recruit a much wider group of people from all around the world who probably don't want to participate in person? That's not a requirement. They will follow issue tracks. And I'm looking here at Heidi, who I can see is right in front of me over there, and also Sally, who's looking after ITI. So I'm going to take that action out of this meeting with Heidi and Sally specifically.

And what I would love to hear from At-Large after this meeting is some priorities because this is not about us not wanting to partner and help. But we want to make sure to Leon's point that let's look at a pilot or look at a couple of pilots. I'm totally with you on that. And let's do that. Let's start with the ones that we think are going to pull the longest pole, what do we think could make the biggest difference? So let's take that all into our work together. But I really value the discussion. It's much appreciated.

LEÓN SÁNCHEZ: Thank you, Sally. Jonathan.

JONATHAN ZUCK: Yeah, thanks, Leon. I think the idea of a pilot is a very good one. I mean, I remember we brought up a Slack during the CCT review. So time is passed certainly and so we do often hear that the IT staff are looking into tools, but we haven't heard a list of tools they're evaluating or what their criteria is and things like that. So maybe even just transparency to

a process that's going on that we're not even aware of would be useful too.

One of the things that's unique about the At-Large community is its regional infrastructure as well. And with the movement of coordinating those efforts to GSE of late where the regions and the ALSes underneath them are participating almost as ambassadors of the multistakeholder program around the world maybe there's a way to find a way for GSE to percolate those success stories up to this level.

I mean, I don't think it's unfair say that people like to also just be recognized for the work they do. It's not always about travel or anything like that, but put their picture up on the screen and say these guys threw an event, and they had a hundred people there, and they talked to them about it, and raised the visibility of the work of people, and the sort of unsung heroes, if you will, of the At-Large, I think, could be very powerful as well.

SALLY COSTERTON:

Yes. That's really a very good idea, I think Jonathan. Just so the group is clear, what Jonathan is referring to is a relatively recent probably the last 12 months, more sort of structured partnership between the RALO chairs, the RALO structures in the regions and if you like the sort of partner GSE groups, the heads of stakeholder engagement who are based in the different regions. And that isn't about the organization direct, just to be clear, it's not about anybody directing the RALO. I would never want that impression.

JONATHAN ZUCK:

Definitely not.

SALLY COSTERTON:

I know you don't think that, but I just want to make sure that we really understand what we're talking here. Because it's in itself is a pilot, this idea. It's an experiment, whatever word we want to use. But the idea there it was just born out of a desire to make sure that and it's actually relates to what you just said about IT, if you like. How do we make sure at a regional level that each regional RALO has a proper understanding of what resources are in the organization?

So this isn't just dollars and travel seats. It is things like it's knowledge, it's talent, it's skills, it's different kinds of programs, different kinds of opportunities, and partner on a shared plan that is more goal orientated, more outcome orientated, that is more sort of how can I put this? We focus the resourcing more tightly, the people and the dollars. That is the resourcing around a shared program.

So that the RALOs and the members in the RALOs, which of course, responsibility of the RALOs chair and the executive, the RVP, the stakeholder engagement lead in the region. The stakeholder engagement leads responsibility is to make sure that they are they are running around inside the organization to find all the pieces and parts that exist and bringing them to that plan so that we don't have any silos.

We don't leave any stone unturned and that we're maximizing what we have. And that there's much to your point, that is the right channel for greater visibility of things as well. So thank you for raising it. It's been us so far, I think, a really interesting experiment. And some of those

RALO chairs I see in the room here with us today. Have been incredibly imaginative and energetic partners. All of them have, but I'd like to see more of that. I think it has a lot of potential.

LEÓN SÁNCHEZ:

Thanks, Sally. Thanks, Jonathan. So I think we've exhausted this first question. And it would be interesting to hear your thoughts on the second question, which is, what are the most pressing issues pending implementation for end users.

JONATHAN ZUCK:

Thanks, Leon. It's interesting the At-Large community has sort of a dual as does every constituency of figuring out what the interests of its constituency are and also things inside of ICANN that allow us to best represent those interests as well. So there's sort of a duality that in the ALAC world is divided into the CPWG and the OFB working group. In both cases, it's about sort of identifying and kind of amplifying these interest event users. And in the context that we're in right now, which is about subsequent procedure, that's the banner topic right now.

I think that there's a number of big issues that matter a lot to end users. One being DNS abuse. You hear us mention that from time to time. And then another one that came out of the CCT review is this need for data and a better understanding of why things are happening, trying to find ways to quantify problems so that we can measure our success at solving them instead of just coming up with another solution, which is often the case. So those are some big topics. But we did send some correspondence to the Board prior to your workshop. And so to talk

about some of those issues that came up with respect specifically to the ODA and things like that, I wanted to pass the microphone to Justine to get that conversation going.

JUSTINE CHEW:

Thank you, Jonathan. This is Justine for the record. So I want to start by thanking the Board for having this continual conversation with us on the ALAC advice and subsequent procedures and also coming out of the ODA. Some of our inputs, as Jonathan said, we forwarded the correspondence. So we haven't had the opportunity to speak to the Board really after the ODA came out. It's only by way of correspondence. And we really like to have face-to-face personal communication rather than letters going back and forth. I think that's a very proactive way of doing things. So we really, really appreciate this time with the Board members and we hope that this conversation will continue as it has up to now.

But I'm going to just come back to the ALAC advice that we provided back in 2021. It seems like some such a long time ago. And I'm going to try and frame my intervention today in the context of the ODA. And also the 38 recommendations that the Board have marked as pending. I think that will help sort of channel the conversation into a more focused direction.

So let's start with the ODA. In particular the option two. Now we understand that the Board has asked ICANN org to develop a variation of option two. And that work, I assume, is ongoing. And from the SubPro update session that happened yesterday that was led by ICANN org. And we had Becky and Avri on the panel. We understand that the

Board prefers to basically dispense with the strict reference to whether it's option one or option two. And my understanding is that the implementation model is likely going to be something that incorporates some level of automation and some level of manual processes. I don't think we can run away from that. And that is in context of you're having to meet reasonable time cost and time factor and cost factor.

And we also understand that the Board wants to retain some flexibility in how you want to shuffle those factors in order to meet the goal identity. But we do have some concerns about this concept of the multiple application cycle that was framed in option two, where it's four annual cycles of application rounds. So I'm going to call them cycles so to differentiate between rounds and cycles. And our concern is that we understand that the cycle will help ease the rollout in terms of the phased approach. So we know we can prioritize certain things to get certain things out first, but what we're concerned about is what is involved in those rollouts from a cycle point of view.

And our main goal is just to get insurance from the Board that that approach won't disadvantage or disenfranchise certain types of applications and to certain types of applicants. Again, we're looking at the IDNs and the variants as well as the community based applicants. Because we know that IDNs and the variant have got a long evaluation process, typically. And then the community based ones, it could end up being with options, CPE. So it typically takes a longer cycle. So we're just wanting assurance that that won't be affected by the approach that you're taking in terms of the cyclical rollout.

The second one that I'd like to bring up is in regards to picks and RVCs. We understand that the issue that the Board frame is that there's a risk that ICANN org will be required to enforce contractual obligations that fall outside the ICANN's mission, and particularly due to the limitations under the bylaw of Section 1.1. No regulation of content. That's what it says basically. And on that basis, there could be risks for legal suits, risks of legal suits against ICANN by registry operators to invalidate such obligations that would be deemed as falling outside the ICANN mission.

Now I just want to reinforce that ALAC's position is and always has been that all registry commitments with regardless of whether they're mandatory or voluntary, they must be enforceable and they must be enforced. That is our position. Stays that way, has always been that way, it will stay that way. Because if that doesn't happen, then the whole concept of registry commitments just comes to not. Why have it? If you're not going to be able to enforce it, or have it, save us time.

We understand the risk that the Board brought up, but we also have this thing in the bylaws that says that ICANN is allowed to enforce contractual obligations. So we think that this risk, whether it's a reasonable or not, that's fine. I mean, the Board can have that position. But we take the position that you can do it. There's no issue as far as we're concerned. But having said that, if you think that the way to go is to have a narrow amendment to the bylaw just to take care of that problem, then I think ALAC is happy to look into supporting that effort. We're not trying to be obstructive. We're trying to be collaborative and cooperative.

What is more of concern to the ALAC is actually the development of mechanism that will ensure that registry commitments whether they are mandatory or voluntary are negotiated properly and crafted in a way that produces clauses that can go into contracts and therefore can be interpreted properly and forced. Because if you don't have that system right, you could be writing a bunch of text. It doesn't mean anything, therefore, you can't enforce it. We all know that if there's ambiguity, the clause goes out the window anyway. So what we're looking at is to have that system, however, form or shape it take. And we are prepared as ALAC to participate in that process of building or design the system. Because at the end of the day, registry commitments are important to us, and we want to make sure that it's done right.

The next topic I want to touch on is applicant support. And the concern that the Board raised is regarding recommendation 17.2. That is the payment of application related fees, but not application fee. We're talking about things like application writing fees and attorney fees for qualified applicants. So the Board has indicated that there could be fiduciary issues for the payment of those kind of fees. And we want to just confirm that it is the nature of the fees that is of concern, not so much the [00:42:06 -inaudible]. And if that is the case, then in order to maintain the intent of recommendation 17.2, which is to basically enlarge the financial support to qualify applicants.

And at the end of the day we're talking about if they get a reduction in the application fee, that's fine. But what we're looking for is what else can we provide in terms of financial support to the qualified applicants? So if application writing fees and legal fees are a problem, then is there

another way to compensate for the loss of that. So things like, would the Board be contemplating a larger amount of reduction in the application fee for example.

So the last time around we had 50% reduction of the fees. Are you looking to increase that percentage or perhaps a reduction in the annual registration fee once the registry operator gets going? I mean, we're open to suggestions really, but the idea is we want to be able to provide an enlarged support, range of support to qualify applicants. The other possibility that I thought of is we have the ICANN grant program, and that's a kind of a separate institution. And that obviously doesn't raise fiduciary issues. So I wonder if we could look at that possibility. I don't know. It's just a thought.

The second thing is that the ODA suggested a sum of \$2 million as the applicant support fund for the next round. Now we have a little bit of concern with that because we know and we are very appreciative of the fact that there is build up and there's elaborate effort and significant resource being proposed for the communication and marketing plan for the program as well as the applicant support program in particular for the next round. So if that is going ahead, then it's not inconceivable that it will attract more applicants who will be vying for applicant support.

So in that situation, it \$2 million really enough. We have concerns about that. So the number of applicants expected in terms of an increase because of this promotional effort that's going ahead, I think that's probably going to attract more applicants. So would the Board consider allocating more than \$2 million? And the other thing also

about this \$2 million we don't know whether it's also going to be used to fund the bit credit for the auctions.

If the applicant support, the qualified applicant goes into an auction of last resort because they are supposed to be supported in terms of the multiplier and the bid credit. So we don't know where that funding is coming from, whether it's part of the \$2 million or whether it's outside. If it's going to be part of the \$2 million then I would imagine \$2 million is really, really, really low. Because we're talking about options and we're talking about fighting with more well-resourced competitors. If it's not within that \$2 million then where is the funds coming from? We don't have an idea of that.

The next topic is, and I have this and one more. The next topic is auctions. I will put in no favorite. Two points here. First is we have noted that the Board's concerned about gaming. And we absolutely share that concern. The situation now is we have a lack of policy recommendations to auctions, about private actions at least. So we don't know what is going to happen really. And we picked up on the fact that there was suggestion in the ODA by the ICANN org to seek third party expertise in auction design to take care of some of these issues that have been brought up and still remain. And we support that suggestion. And we prepared to participate in any way if the opportunity arises to help move that process along.

The second point about auctions is that if we don't change the model of the auction, if it's going to be still the ICANN auctions of last resort as it happened the last round, then we're still looking at increasing value bit process. And that is always going to disadvantage the lesser resource

applicant. So we have an issue with that and couple with that is we don't know where the funds are coming from to support applicant support, qualified applicants to participate in those options.

So they're going to be still fighting with the Googles and the Microsofts and the people who are loaded. So we want to ask if it's possible to still include within the scope of this if you're going to approach to party expertise to include in the scope of that whether we can have a relook at the model of the auction. Because we think that the Vickrey auction is still the better option in terms of being able to level the playing field for the applicants who are less well-resourced, the applicant support folks.

And the last topic is on community objections and community based applications. Now I talked about the risk of gaming. In fact, that was the concern. We share that concern. And the gaming could also be perpetrated through an applicant applying for a particular string just to block the application of another applicant, the same string or even similar string. So I consider that as gaming as well as possibility.

And because we take our responsibilities very seriously in terms of monitoring committee applications, we use the objection mechanism as a way of contributing to monitor bad actors or people who might want to game the system especially if they're going in to get a benefit from the private options. So that's something that we really, really, really want to stop. And the mechanism that's available to us is community objections as well as the limited public interest objections.

And we have been given the budget in the last round to file, I believe it's five, up to five community objections or limited public interest

objections. But in term and in the 2012 applicant guide book, it says very clearly that ALAC is defined as an established institution for the purposes of objections. So that would actually go towards automatic standing. To me, I read that as automatic standing. But when you go into the criteria for the objections, the committee objections, they have another element that talks about our standing. So it kind of raises the dichotomy. On one hand, we are recognized as an established institution for the purpose of having standing to file. But yet, we have to go through this particular criteria and objections to reestablish our standing. It's just strange. It's weird. To me it's weird.

And therefore, we want to get the Board to support our call to ensure that in the next AGB that ALAC has automatic standing that we're not going to get our objections knocked out because someone is questioning, our standing. I think we have a bottom up process. We're going to commit to bottom up process in which any objections that the ALAC files would have gone through a rigorous bottom up process involving all five RALOs. That is what happened in 2012. It's going to happen in the next round. So there is no issue about it being a frivolous objection being filed. So we would really like some assurances that our objections are going to be considered on the merit and not knocked out because somebody is questioning our standing to file. And that's all I have for today. Thank you.

LEÓN SÁNCHEZ:

So I gathered that SubPro is pressing, right?

JONATHAN ZUCK: You've communicated that to us. Just so we're clear.

LEÓN SÁNCHEZ: So we have eight minutes left, and we would really like to answer the questions that you guys have posed on us. So if you have anything other that is pressing. Yes, Avri.

AVRI DORIA: Definitely really want to answer them. Do not believe that eight minutes is enough to answer them. But want to really point out and maybe there's a few things that we can pick out to say. But really want to indicate that one of the things that probably can be noticed is each of these things is in the pending list, is in the set of things that need to be discussed and resolved before there's an AGB. And sounds to me like almost every one of these is something that could use a conversation between us where we actually get into the details and such.

Because, I mean, even though I've seen the note that this was based on and seen, I was taking note of them. And while I found a lot of them, I say, yeah, yeah, I agree with that. But in terms of getting down to the details of well, the legal challenge and the amount, and what are the ways, and how could it be compensated for, and how could it be compensated for in a way that doesn't interfere with fiduciary responsibilities. Those are all longer term conversations. We have talked about how to handle the one versus the other.

So I think we're going to need to have conversations on all these on gaming and auctions and such. So I don't think that there's a single,

maybe Becky, you've got one that you think you've got a quick answer for, but as I was listening, I was sort of saying I don't have a quick answer. But I have ideas where we could have the conversation, and I think we have to start planning those conversations once we get past having actually made a decision in the next couple of days.

LEÓN SÁNCHEZ:

Guys, I see your temp cards up, but we really would like to answer your questions. So if it's really brief, go ahead. Becky wants to say something as well. Yes, Becky.

BECKY BURR:

I think the only quick thing I can say is on the enforceability of RVCs. There is no one here that wants to put RVCs in contracts or anything in contracts that's not enforceable. You're singing to the choir on that. We have to figure out how to get there, but rest assured, I personally will lay my body in front of a truck that allows unenforceable things in contracts.

LEÓN SÁNCHEZ:

Thanks, Becky. Alan, Justine, really quick.

ALAN GREENBERG:

My comment is just the kind of conversation that Avri is talking about is exactly what we'd like. In the history of ALAC and the Board, such one-on-one conversations are exceedingly rare, and I can count them unless

one hand. So if we can figure out a way to do that, actually have those conversations and not just use these annual meetings.

LEÓN SÁNCHEZ: Good, Justine.

JUSTINE CHEW: Yeah, thank you. This is Justin. I was very measured in what I wanted to bring up today. And I'm almost regretting that I didn't stuff a few more things in the list. But, yeah, this is like the top of the top kind of thing. But if we go forward and we are able to bring up a few more things, that would be much appreciated. Thank you.

LEÓN SÁNCHEZ: Thanks, Justin. So I would like to now try to, in four minutes, reply to the questions that you have posed by Jonathan. So I believe we have two questions, right? The first one is a conversation with Tripti and with Sally. Is that correct. So you want to see anything, Jonathan?

JONATHAN ZUCK: Hi. Thank you. I don't know what that was to be honest.

SALLY COSTERTON: You want us to have a conversation? We've got two minutes.

JONATHAN ZUCK: I'm really excited for both of you in your new roles and really looking forward to working with you. And I appreciate the sort of renewed energy and enthusiasm that you're bringing to the things that are on the table. And you know, Tripti uses the term analysis paralysis and I think that can often be the case here. And so I look forward to working with you to break some of these log jams. Sure.

SALLY COSTERTON: Thank you, Jonathan. Likewise, we reciprocate that and we look forward to better times. We've run out of time, but we can surely have a conversation in the future.

LEÓN SÁNCHEZ: Thank you. Thank you. Well, again, I think it was very important for us to hear from you. And we have exhausted the time. Of course, we are not able to fully answer the questions that you've posed on us. But that gives us the perfect excuse to keep the ball rolling and to keep this conversation between the Board and the ALAC, and not wait for the next yearly opportunity to have this conversation. Yes, Avri.

AVRI DORIA: Yeah, I think the one kind of action we have is after we get past this weekend, if we've done what it looks like we plan to do, then we should start scheduling these. And, yeah, I understand the list could get longer. But I really start scheduling various times to have various Zoom calls where we talk about them as opposed to listen to them and say, yeah, up. Thank you. Work very much. And we'll work that out.

LEÓN SÁNCHEZ: Thank you, Avri. Good. So that takes us to the end of our meeting. I would like to thank everyone for your patience and your contributions. And, Jonathan, would you like to say any closing statement?

JONATHAN ZUCK: We really appreciate our ongoing relationship with the Board and appreciate the opportunity to bring some of these issues up. I know sometimes it seems overwhelming. And as we continue to do this, we will try not to leave a bruise. So thank you.

LEÓN SÁNCHEZ: Well, thank you everyone. This meeting is now adjourned. Thank you.

[END OF TRANSCRIPTION]