Transcription ICANN Singapore
NCSG Meeting
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On page: http://gnso.icann.org/en/calendar/#feb

Rafik Dammak: Thanks everyone for coming today to the (NCSG) meeting and our constituency base. So we are - probably we are going to wait for more people to come but we should start since we want to go through several agenda items and we have the time constraint to go to meet the board members at 4:45. So we can get two hours and a half and try to manage that.

So can we put the agenda - I mean, I'm not sure if all of you can see in the Adobe Connect but still. So basically, for this meeting, I thought that because we have an ongoing discussion about the IANA Stewardship Transition and accountability, we should spend much more time there. Also we have some guests coming later and I think our policy committee already went through the topics with the board. So we will confirm what we agree on but we are not going to spend time.

So we can start first maybe with introductions and welcoming and the same for newcomers but we are still waiting for people. Yes. Living in Japan teach you to be punctual and respect, anyway. Okay. So we are trying here - basically, the only real opportunity for us as the noncommercial stakeholder group to meet with our members and those who come or attend ICANN having a noncommercial interest to come and see how we work, what kind of

topics we are discussing, what interests us. So we are trying to be accessible so if there are any acronyms, we will try to explain what they stand for and we try to give a briefing about what is going on as a topic so people can participate.

Then, we want to try to get some updates from the morning session for the different constituencies. At least I see Rudy from (NPAK). We may need to wait for Bill Drake to come later for NCUC but maybe we can start with Rudy. You have five minutes just to explain what you did this morning. So share with us.

Rudy Dekker: Thank you Rafik. Rudy for the transcript. At our constituency day meeting this morning, we having first doing a report from each of our committee chairs in order to have a scope of what has been done in the past six months, giving an overview to our members and membership. That was followed by a meeting with the finance CFO, Xavier Calvez, explaining us how the budget plan is put together for fiscal year 16 but also for the operation plan for five years. It was quite interesting.

We had a lot of good interaction, a lot of information that is very useful to us especially in the context of special financial requests that are going to end - well, the deadline is the 28 of February and that was followed by a presentation by the meeting team. We invited the meeting team to understand how they look at the new meeting concepts, meeting type A, B, and C, and it was really interesting. Also we had another perception of the B meeting before we met this time and we are now quite happy that we understand the objectives of this short meeting schedule. The four days in the beginning was, wow. Are we going to be able to do the work that we have to do but in the end, it's clear. It's really, really useful.

It's going to help us to do our work in a better way. No public forum and so on. No ceremony. That will help. We are going to work. Not being invited to meetings that are just part of the show but it was very interesting. I had a very

good interaction with them too and we understand a bit more the goal and how, as a constituency, we can operate in these type of meetings.

We ended with a webinar addressing the different issues that NGO's have when we talk about the internet ecosystem. We had - some did a topic on the technical aspects and especially the social media domain for NGO's. Then we had Brian and (Renee) who have been touching up on the issues of when I'm losing my domain name, how can I get it back. So it's dispute rules and so on. Also, what are my rights on a domain? Do I need a brand? Do a I need a trademark?

It was really interesting and we ended with a presentation by (John Frank), (Sahil) and (Nigel Hixon) on how ICANN sees the work that has to be done in the civil society world. That is in fact what we did until 1 o'clock today. I don't know if there are any questions.

Rafik Dammak: Thanks Rudy. That was concise and I see Avri wants to ask something. Yes.

Avri Dori: In terms of - thank you Rudy. This is Avri speaking. In terms of their explanation of how the meetings would work, you seem to go from having been somewhat skeptical to being convinced it was good. Is it just the absence of forum and stuff that convinced you or what was it that convinced you guys that - I'm still wondering. So if you guys shifted from skeptical to convinced, I'd really be curious to know what it was that did that.

Rudy Dekker: Well, we spent an hour with them. So we had time to go in depth discussions and no, it's not only the forum. It's not only the fact that there is no opening ceremony and so on. It's because they are going to try to focus on the work that we really need to do. The first day is an outreach day but outreach, they see it not only as an outreach in the conference space that they will set up but also will allow to do outreach outside and maybe go to universities, go to the business constituency for instance, going to the ICC's. So it's another perspective and it enables us more to do real outreach, to go to the places.

Also a point of definition for the B type is that as they don't need these large conference rooms, that enables us to go to locations, regions, that don't have that capacity and that allows us to go to regions that we are not able to go to. So that already is, for me, a very important change and day two and three will be focusing on inter community work which we need to do. We will not be disturbed by board meetings and so on. It's us, it's our work and I think that's quite important that we are going to be allowed to do that and the last day, the fourth day, is the inter community where we will have the different discussions that we are also having.

So I think that the four day meetings are going to be more productive. If I look into time consumption that we have with these type of meetings now and that one, I think it's an advantage. So I'm feeling really much better than before. In the beginning I was really skeptical. Four days, what are they going to do? They don't need hotels for us. We're going to work for 24 hours constantly and it's not that. They are going to help us but they ask also that we come up with proposals, for example, for the outreach and proposals of how we think we should do our work in this format. So it's interesting.

Avri Dori: Thank you.

Rafik Dammak: Okay. Yes. Amr?

Amr Elsadr: Thanks. I think I went through the report by the meetings working group a while ago but I don't really remember. If someone could refresh my memory on - short meetings, how do they affect constituency day and what happens to the public forum in those short meetings? Are they still there or were they cancelled?

Rudy Dekker: There will be no public forums for these four day meetings. They are going to skip it because they consider that this is taking away too much time for the work that we have to do and you have to concentrate on so many issues at

the end of the public forum, is the board sitting in front and the public going to the mic? It is clear that they allow us to do our work in a more decent way and a more focused way than is happening now. We are distracted from the beginning to the end. For instance, we have our GNSO meetings that start two days, then you have the opening ceremony and you have to delay everything and then you have to restart your other meetings again.

I've asked the question about the constituency day and, in fact, it was essentially (Nick Tomaso) who responded to that question. He says, well, it's up to you how best to define the best format. So it's clear they don't have a finished format yet. It's still open. There are still some ideas but I think it's an interaction we've done that we need to get clearer on that one too.

Rafik Dammak: That's interesting we're talking about new meeting format. If people feel that we need to explore that in our next (NCIG) call, I can invite (Nick Tomaso) for 20 or 30 minutes to present it and we can ask him questions. So yes, we can prepare for that. So if people agree, we can do that. Yes (Sam).

(Sam):   Okay. I just wanted to add one thing to what you already said. Designing those four days, the offer is we help do that but part of that was not to save money. Part of it was to be able to stage ICANN events in places that ICANN cannot go to now in smaller venues around the world where we should be and we can be if we all go. I second what Rudy said. I think that the idea is both good and doable.

Rafik Dammak: Okay. Thanks (Sam). So I can invite the meeting team. I mean, they asked to come but the requests come quite late like and just a few hours and come to here to Singapore and the way that we manage our meetings.

Avri Dori: Personally, I'm satisfied that there's something we're going into. There's nothing really to discuss. We just figure it out as we get there.

Rafik Dammak: Okay.

Avri Dori: I appreciate them having gone and relayed it to us but now it's happening. Let it happen.

Rafik Dammak: I mean, if they're asking for input, we can just at least even invite them. They're not coming today but we can invite for the next call.

Amr Elsadr: This is Amr again. I'm just wondering are they at this point still asking for input?

Rafik Dammak: I have no idea.

Rudy Dekker: They're asking for content structure within the model. Not a review of the model.

Amr Elsadr: Okay. So we can't change it?

Rudy Dekker: For the four days, we'll be able to go to (Keto) which we can't go now and it's how we structure those four days that they're asking us to help them with.

Rafik Dammak: I mean, the model was approved by the board. So it's more like how it will be implemented. Okay. For NCUC, the report will be made by Stefania on behalf of Bill.

Stefania Milan: Yes. Thank you Rafik. So we had a full house this morning for our NCUC constituency meeting which included also several new members and (Benjamin) -- I forgot his full name now -- but a new member that has been from the (unintelligible) support policy of NCUC. So we decided to relocate our money, $2,000 per person, for up to two people who will be able to attend the meetings to get them engaged.

                We discussed some organizational mirrors. So we reflected briefly on the meeting of the non contracted parties housed in Washington and impressions

from the (unintelligible) committee and budgetary issue (unintelligible) possibility of (unintelligible) NCUC views and ideas and possibly framing them or packaging them as a book to showcase what we do and what our issues are.

Then we came to some discussion about the membership affairs team next initiatives. So what we want to do is - while we've acknowledge that there is a problem especially for new members in getting engaged because there's a lot of jargon, because what (unintelligible) generally speaking conflicts and structural limiting conflicts are, we want to reach out to members, present to them, and that's why we put together a survey. So we're going for a quantitative approach and trying to get information from our members on where they stand on a number of issues, what their needs are and what they would like NCUC to do better so that they can get more easily included.

Then after the coffee break, we had two broad teams that went through the IANA transition accountability with Larry Strickling and General (unintelligible) who came to visit us and we mostly actually asked questions which are very difficult to summarize briefly and the second broad issue that we discussed is ICANN and the global public interest. So we had very interesting inputs from Nora Abusitta who's the VP for Development and Public Responsibility Programs with ICANN that participated remotely and from (Megan Richards) who is the Principal Advisor and the Director General of the (unintelligible) of the European Commission. She told us what their views on public interest, the connections of public interest, and ICANN work and (unintelligible) and so on and so forth. So I guess that's it.

Rafik Dammak: Thanks (Stephane). So any questions, comments, intervention, whatever? Okay. Good. Nobody wants (unintelligible). Okay. Thanks. So then I guess we can move to the next item which is an update from the Policy Committee Meeting on Sunday. That will be done by Amr.

Amr Elsadr: All right. We did discuss a number of things on Sunday. I do believe most of us were there. How many people here weren't at that meeting? (Sam), I don't think you were right? You weren't at the policy committee meeting. Okay. We did go over some of the items on the GNSO council agenda this week for the meeting tomorrow but there are no motions that will be voted on. So we didn't have to discuss any motions but we did go over a few of the issues including the joint GNSO board group looking at the process for the post expert working group VP and Avri gave us a briefing on that and we went over a couple of open public comment periods as well as a brief, a quick, update as well on the translation, transliteration working group which has a public comment period that's already closed.

We did - I think I did just briefly mention a few of the comments that came in especially from the contracted parties which I thought to be a little interesting. We have the policy and implementation working group which is a non PDP working group and there's an open public comment for that and it's a unique format for providing comments and I promise to go ahead and try to start working on that and send something back to the NCSG list as well as a list to comment on and just try to see if we can put something together.

A few other issues. We did go over the privacy and proxy service accreditation issues PDP working group which is an ongoing working group. They should come up with an initial report and recommendations pretty soon. Kathy Kleinman is doing a pretty decent job representing on commercial interests on that PDP. There's a number of other members as well who are active in that working group including David and Stephanie.

We also did discuss - we went over a few of the points that we want to discuss with the board later today. So we do have these three issues but we didn't have a chance to really get into all of them too deeply. I think there was one that we skipped all together that Ed will be spearheading the issue of ICANN's involvement in web regulation and regulation of web content. So Ed, I guess you're going to have to wing it on that one if that's okay.

Ongoing discussion, the issue of public interest and human rights, public interest commitment specifications of the registry agreement, public interest in the ICANN bylaws and articles of incorporation and in GTLD application rounds, all that stuff. So we don't have - I don't think we have exactly reached a consensus on what we want to do with that and a possible upcoming working party that may define that or define a framework for that. We still need to do a lot of work on that and we have been getting a lot of requests from other groups within ICANN including the at large and the business constituency of the commercial stakeholder groups just gives some indication of where we stand on this. We haven't done that even though they've been asking for months because we haven't actually reached consensus on it internally yet. Stephanie will be speaking about privacy to the board later today and so those are the tree issues we hope to discuss.

The GAK subgroup on protection of geographic names, Robin discussed that briefly. I don't think there's much we can do on that right now if there's no open public comment period. I'm clear on next steps for that but that's pretty much it for now I think unless there's anything someone can remind me that I missed. Thanks.

Rafik Dammak: Okay. Thanks Amr. At least you covered one of the items so we don't spend so much time about the meeting with the board but if someone wants to comment or ask questions. Stephanie? Yes. Go ahead.

Stephanie Perrin: Yes, just - Stephanie Perrin: for the record. I'd just like to ask what do we think we're going to say when we talk to the board about public interest and you're leading that right Amr?

Amr Elsadr: No. I'm not leading that. I asked not to and I believe we decided that Bill was going to lead that discussion. So Bill, maybe you could shed some light on how you plan to initiate a discussion with the board on the very interesting topic of public interest.

William Drake: Hello. Are you asking me the precise wording that I will - I thought that we would engage them in a conversation about their thinking to figure out what their thinking is about this issue and so far is this built into the five year plan and they have a department that nominally has it as one of its major work programs to develop this concept and it's been referred to repeatedly in the accountability discussions and in various other discussions. The GAK is citing it repeatedly, et cetera, et cetera. Obviously there's some issues there for how are they thinking about this question?

How do they think they might - how do they think the community might go about addressing it, whether they think the community should go about addressing it and then make the point obvious that within our own community, we have a variety of opinions on this. We're therefore not asking them to accept some predetermine position from us. We are simply asking them to shed light on their own thinking and then I will expect that our various members will - Milton will tell them why they're wrong and then others will engage accordingly.

Rudy Dekker: Okay. Yes. Amr.

Amr Elsadr: Thanks. I think Bill said a pretty cool approach to this. I mean, I'd be hard to tell the board members that they're wrong before we even know what it is they're thinking right? So Bill is just going to bring up the topic and then ask them where they're coming from on this so we have something to figure out on what it is they're thinking on this. So I think that's a good approach. Thanks Bill.

Rudy Dekker: Okay. Thanks Amr. For the other topic, it will be Ed about the content control. I think there was discussion within the list where you have an idea of what the different point of view within the list but I think (unintelligible).

Ed Morris: I just want to say that on the public interest, I mean, I think - I mean, tempting as it is to outline to the board some possible ideas they might be having and tell them where they're wrong before they've said them, I think - I mean, basically what we should be saying is we understand there is this issue. How can we help? We are very keen to assist and be constructive on this one and outline that we have a lot of resources on the - people who have experience in dealing with this specific question and thoughts. Try to offer the board something rather than demand answers. Make a constructive dialogue.

William Drake: Have you ever seen me do that? I don't demand things of the board.

Ed Morris: No but our topic leads, we're not the only people who will speak on this issue.

William Drake: I am only opening up the conversation. That's it. You guys will take over.

Rafik Dammak: Don't worry. We will be nice to the board today.

Woman: We'll say please and thank you before every sentence.

Rafik Dammak: Yes, we will. We will support, help them, be constructive, be nice, be kind and so on. No worry about that. Yes Stephanie. Please go ahead.

Stephanie Perrin: Stephanie Perrin for the record. I agree with Amr. I think that's a cool approach and it sounds pretty flexible and positive. Are there topics that you do not want some of us to raise our hands and raise? Let me give you an example. I went yesterday to the public safety meeting and I'm deeply concerned about the interpretation of public interest in the context of public safety. So if you don't want me to raise it, tell me now. Okay.

William Drake: You should absolutely raise whatever you think is relevant.

Rafik Dammak: Yes. Okay. So I just want to give the (unintelligible) for Ed maybe to add, to just quickly, briefly, what you will introduce to the board today and just also let Stephanie also briefly your update about privacy. Yes. Please go ahead.

Ed Morris: Okay. Thanks Rafik. I want to do it in a positive way but you expressed some concern over ICANN corps new involvement in policing content. There are two examples I intend to mention. One is something that came out at the IGF in Bali when (Fodi) mentioned that ICANN has spent months trying to help break up a pornography ring that assigned a Spanish speaking (unintelligible) and to go through (Panamanian) company records to track down the perpetrator who has this stuff online. All right. That's pornography. (Fodi) just - by the way, ICANN was getting involved in taking the stuff off the web in the public interest.

                    Now we go to the non contractor party house meeting where (Fodi) is tell us about this Bulgarian who's put alleged pirated IP materials online, is servicing Costa Rica and now ICANN is thinking, what do we do about him? What I want to ask the board is, are they aware that staff is getting involved in content, in law enforcement, in this way? Do they intend to come to the community to ask whether we agree with this expansion of their mission and one of our concerns is that it just seems to be done on an ad hoc basis. Who makes the decision about what to pursue in terms of law enforcement or policing content because as the representative of nonprofits and individual users, we don't have the juice to call (Fodi) up and ask him to get involved and so we'd just like to get the board response to what's going on in terms of ICANN's new involvement in content.

Rafik Dammak: Thanks Ed. Sorry. I was trying to do some administer. Yes Stephanie? Yes, please.

Stephanie Perrin: Okay. I believe I'm the tail on the cow. I'm the last speaker on privacy and it's going to be very short. Several months ago -- and I'd be grateful if someone can remind me which particular meeting it was -- we pointed out to them that

the ICANN privacy policy was really woefully inadequate and we opened up a pad and we started looking for contributions and we've had some contributions. I have now pulled that into a draft letter to the board. They basically were very positive. They said that would be a positive contribution if you could tell us what's wrong with our policy.

They have repeatedly promised to send me the HR policy but I haven't seen it and frankly, I'm not going to go fishing for it because I can't find it on the web, I've asked twice, I'm going to leave it at that and I'm not sure it exists. That's the HR privacy policy. So we have a letter and I'm just wrapping it up and about to circulate it to everybody that's on the NCSG list for any last final kicks at it.

So basically it says, this is what you need in a policy these days, 2015, this is what you've got -- it's a web policy circa 2000 -- it only deals with certain things, you need comprehensive, it's part of accountability, it's part of this, that and the other and then we actually comment on the flaws in the policy itself with some of the comments that people have put on the pad. So that will be coming around to you shortly and we're just basically going to say, we're following-up on this and you'll be getting it shortly.

Rafik Dammak: Thanks Stephanie. Any comment here? Yes, go ahead.

Walid Al-Saqaf: I mean, Walid Al-Saqaf for the record. I mean, maybe it's wise to be ready for the question raised earlier by a member of the board about visibility and see if she has visibility compared to a large and so forth. I would image it's not a one individual view. Perhaps it's the boards view. So perhaps one could find or prepare mentally for that question.

Rafik Dammak: Okay. Yes, sure. We can do. Okay. If there is no further comment here, I move that we go through - I mean, the main item in our agenda today is trying to strategize for the IANA Stewardship transition and ICANN accountability from our side, what we can do and first we will start with an update and

briefing from our representative and the different structures. Milton and the ICG, Avri in TWG and Robin in CCWG. Sorry for the people here. There are many acronyms but I think they will be happy to explain that. Okay. Milton, can you start?

Milton Mueller: Okay. So the ICG, the IANA Stewardship Coordination Group, is the cross community entity that accepts proposals from all the different operational communities, names, numbers and protocols and we will then assemble these proposals into a final integrated proposal that goes to ICANN and then to the NTIA. We have received proposals on schedule from the protocols the community, the IETF, and the numbers community, the regional internet registries and those proposals have been assessed and pretty much approved.

We have one little detail we're trying to work out between them. So what we're waiting on now is the names proposal and of course, you all know how contentious that is or if you don't, then Avri is about to tell you. I think for us, the key question is time, what happens if, as Larry said, this thing drags on and how do these proposals fit together?

When we submit a final proposal we'll have to take public comments on that. The NTIA will be looking for basically unanimity or a very strong level of agreement about this proposal. So at some stage, we will have to be weighing in on that during the public comment session and that's, I think, actually the easier part. I think the harder part is going to be the names proposal. So I'll turn it over to Avri here.

Rafik Dammak: Sure.

Avri Dori: This is Avri speaking and this is not yet me talking about the CWG. It's going back to the question I asked Larry which has been my persistent concern with the IGC solution which is I'm concerned about the risk to IANA itself of having

it be split able, of not doing as much as possible and they mentioned the fact that I remember having written a comment on it at the time of that RFP.

They mentioned the fact that there had been a lot of discussion on that at the time of the RFP for the IANA contract this time and I'm just wondering whether that's something that you guys have reviewed or that having been mentioned now, whether that's something that could actually be reviewed because there had been a whole discussion. It was one of the specific questions they had asked in their pre RFP.

They had said and should we keep it together and why and why not and especially in the context of and I was really curious and interested that you said the ICG had approved the submissions of the others. I'm quoting your work. So in terms of the ICG approving or passing on or whatever, is this something that is considered? Is this something that is truly not considered important there and as I said when I was talking to Larry, am I the only one that seems to care about this one?

Milton Mueller: Yes. You're the only person in the entire planet who cares about that. No, no. I'm kidding. Of course, we are paying close attention to that. So we call it a compatibility issue. Rather than it being a priority concerned about keeping them together, we're concerned about how the different proposals are compatible or incompatible and if there are incompatibilities between them and there are areas where the different functions touch, for example, running the IN-ADDR.ARPA domain but frankly, the IETF people are quite confident that they could take their registries somewhere else and as long as the organizations like the IETF and whoever's running the names IANA and whoever's running the address IANA are talking to each other and able to coordinate things that way, it doesn't matter. It's not a breakage if the IANA functions are provided by different entities as long as there's a coordination super structure that allows some of the issues that you're concerned about to be dealt with.

Avri Dori: If I can follow-up. This is Avri speaking again. So that would include issues
                like the IETF deciding to take certain names and add them to the reserve list
                or take names out of availability for TLD's? That is actually considered as
                being adequately dealt with?

Milton Mueller: That is indeed. It was explicitly discussed and actually, if you read the IETF
                proposal in detail, they talk about these IANA functions and so, for example, it
                would be, yes, if we do that, we have to tell whoever is running the names
                IANA that we did this and the names IANA people recognize that the IETF
                sets the parameters for the domain name space. So they have to respect
                whatever things are withdrawn from that space or whatever bounds are put
                on that space by the IETF.

Avri Dori: Avri speaking and there's just an assumption that'll all work well when that
                happens?

Milton Mueller: I don't think there's an assumption. I think there's a confidence that the
                apparatus is there and there's a general feeling that we have no intention to
                move the IANA functions at the present time. So yes, it doesn't seem to be
                something that they see as being hard or something that could result in
                disaster.

Rafik Dammak: Okay. Thanks Milton for the briefing and answering the questions. Maybe
                now it's time for Avri to do a proper briefing.

Avri Dori: Okay. Thank you. Avri speaking and talking as the NCSG's member of the
                cross community working group on IANA Stewardship Transition which is the
                one that gets called CWG for short basically, I've sent most of this information
                to the list so I probably won't be saying a whole lot new. There was the
                proposal that was put out for comment. Comments came back and then there
                was also a polling inside the CWG on how to handle and how to address the
                various issues. A lot of discussion went on among the - the results of that
                were that the original and what had been the mainstream, often gets called

the Frankfort Proposal, those are all same names for what is now also being called the external model.

So if you hear of the mainstream, Frankfort, or external model, they're all referring to the same model. That was the model that had a customer service committee to CSC which was a standing committee mostly of registries with some, perhaps, outside experts with a contract co which was the entity that held the contract with a multi stakeholder review team MRT which was a multi stakeholder body that reviewed any issues, that was also responsible for reviewing the issuing of a request for product and RFP periodically for a new contract or a variant making a decision whether an RFP was available and an independent appeals process -- hopefully I've got all the words right -- and IAP on basically where things can be appealed and then going down a level and getting into what the CSC, the customer standing committee, how it dealt with SLA's and what its roles were.

We got fairly detailed into contract co and MRT but because they are part of now a different - so there's the external model and in response to what I think I can safely call insufficient enthusiasm about - I'm trying to find neutral words for saying it. For the external model that basically an internal model has been being built.

The internal model that's still very much in discussion has accept the notion of a CSC. So accepts the notion of a customer standing committee and there's not much argument over that. Pretty much accepts the need for an IAP, an independent appeals process but has a very different notion of - obviously if it's internal, then there isn't a need for a contract and when it's looking for how that's managed, it tends to rely more on existing internal structures that we already have in ICANN as opposed to building a new set.

Now, within both of those models, there's a variant that within the external model, is lighter weight than contract co and tries to use a notion of a trust where the contract is held in trust by a minimal entity outside of ICANN that

basically when there is a need or if there is a need to move the contract is the one that can do so at the advice of the MRT.

Within the internal model, a variant has been built basically to allow for separability. Almost all the solutions allow for separability and try to account for a notion of separability but in some of them, the separability is achieved by a form of separation almost at the beginning at least for the contract though everybody also keeps the functions at ICANN for now and the other end of the scale, separability is basically a possibility, is a potential.

If the contract is being held in trust or the notion is held in trust, then it can be transferred but there's not - you sometimes hear mentions of exploding bolts and/or golden bylaws. Things that make it possible to separate but don't require doing it. So all of those things now are all in a state of discussion. A lot of them depend on some legal questions of can a trust be done, how could a trust be done? If there's a contract and it's created, then does it have to be incorporated? Can it be unincorporated? Is it an association of members? What kind? So there's a myriad and there's a whole document and there's a committee that's going out to a lawyer to ask those questions.

There's also starting to be -- and this is probably the most recent and we'll find out more about that this week -- that there's starting to be various verbal, various talk of hybrid positions, trying to get something that satisfies the fundamental requirements of the external model people as well as the fundamental yearnings of the internal model people and some of us have been working on one model.

We hear there are other people working on other models and that's perhaps something that we can discuss further in our meeting in terms of what are our fundamental points that if there was a hybrid model, it would have to have A, B, and C, and then if we want to go there. It's also possible for us to say no. We're a hard line external model all the way group and nothing but will work and what have you.

So that's the stuff that we need to come to some sort of understanding on although I don't think we're going to try and drive to a consensus position at the moment and these are the things that I'm going to keep coming back to the list on as we go on to say, hey, this is being talked about at the moment. For my own role, and this is the last thing I'll say at the moment, I try to balance my personal views and I happen - I think I said so on the email. I happen to be an external trust person at the moment. That's the model versus trying to represent once I understand it -- and I really don't understand it yet -- what are NCSG view is on it and I guess at the end of the day, if we get to the last bits of consensus discussion is when I'll have to switch from my personal views which I'll argue internally to an understanding of whatever is the NCSG position. Hopefully that helped and wasn't too scattered.

Rafik Dammak: Thanks Avri. I mean, in turn to get NCG position, I think we need to have also after this several conference call maybe to get more people in different time zones and so on to get more people attending and sharing briefings and explain it because there is the document.

Avri Dori: Right. This is Avri again. There's a document and I'm willing to do as many online discussions as people need especially as we get closer and closer to the deadline and we're having discussions. I don't care when I have to wake up and then go back to sleep. So I can do as many of those as the group is into doing.

Rafik Dammak: Okay. We'll select for you different time zones but Avri, just maybe for those that are not aware - yes. I saw the queue. Yes. Just to clarify maybe for those who are not aware, when you say customer, what do you mean by?

Avri Dori: When I say what?

Rafik Dammak: Customers and the customer committee.

Avri Dori: The customers. Well, the strictest definition of customers is the registries and then there's the - the conversation you get into is direct customers versus indirect customers and the registrars and registrants and users come under the indirect customer rubric.

Rafik Dammak: So (Sam) and then Matthew. Please go ahead.

(Sam):   Okay. Avri, it's a really simple question. Are they trying to build this out of (unintelligible) or are there comparables out there that they're looking at to get some of this very - it just sounds alien to me.

Avri Dori: Okay. I think that, first of all, obviously, the internal - this is Avri speaking again in response. In terms of the people that are using the internal model, certainly they're building off of minor alternations of the cloth we currently wear. I think in terms of the other models, I don't think any of them are whole cost. For example, when I started pushing the external trust model, I was building a lot off of the IETF and its relationship to the inner society and the IETF trust and now I think on all of them, everybody had a metaphor that they've seen somewhere else and they were saying, here's a model that might work for us and then we've got into it's almost like a harlequin outfit. I'll take the shoulders and the sleeves from this one and the pantaloons from that one.

Rafik Dammak: Okay. So we'll take question from Matt from you and then we'll get briefing from Robin but yes, Matt, please go ahead.

Matthew Shears: Yes. Thanks. Matthew Shears. In terms of us trying to move towards some kind of a common position on this issue, I think Avri circulated it but there is the Singapore discussion document that was circulated, I believe, from the working group and at the end of that document, there are nine questions for the community. This document is going to be used by the chairs as very much a - the responses to the document will be effectively guiding the discussion of the working group going forward. So finding some kind of a

voice around those nine questions might be something we should set ourselves to as a task and I think that would be a very useful contribution if that's possible. Thanks.

Rafik Dammak: Okay. Thank you. (Unintelligible). The ICANN board has submitted its comment to the top transition proposal from the CWG and it said that having the division of - the four so called entities would constitute an overreach so that ICANN was designed to be a permanent custodian, so to say, of the IANA function operator but I'm wondering whether the ICG has had a conversation with the ICANN board before or after the submission of its comment and whether that could potentially be released in the meeting with the board today. Thanks.

Milton Mueller: I missed the last part. Did we have a conversation with the ICANN board and then what?

Rafik Dammak: Could they stay in the meeting with the ICANN board of this group?

Milton Mueller: Yes. We had some very interesting conversations with the ICANN board some months back about the submission process. Essentially we learned from the NTIA that we would not be able to submit the final proposal to them directly. That according to federal contracting law, the final proposal has to go through the ICANN board. We then got the ICANN board to agree that they would not modify the proposal in any way and that if they had any opinions of criticisms to be made of this model that they would be made in the process and not sprung on us at the last minute. So the transmittal letter of the ICANN board will probably include their opinion but that opinion should be known before it goes along with this final proposal. Does that answer your question?

Avri Dori: It's Avri again. On that one, also, certainly the CWG has taken that letter into account and has discussed it and it's among the issues and thank you Matthew for bringing up the questions. We actually should have put them up on the board in the thing and I neglected to do it but which would've been

good and if it fits, I can quickly take the time to read them so people will have heard them. That's up to you Rafik whether I want to read the nine questions so people can think about them or whether there's not enough time for that.

Rafik Dammak: Sorry. We have 40 minutes for this item including their accountability but yes, you can. Sure.

Avri Dori: Okay. As I said, I did send the document to you all so you do have them but quickly. So question one, do you believe that the transition from NTIA should happen? Two, are you comfortable with ICANN as policy maker also being the IANA operator without the benefit of external oversight? Three, should registries as the primary customers of IANA functions have more of a say as to which transition proposal is acceptable? Four, what does functional separate of IANA from ICANN mean to you? Five, do you believe the IANA function is adequately separated from ICANN under the current arrangements and this is in parentheses, IANA separation note. There's parenthetical in all these questions that I haven't been reading but you've got them. So I've read five.

Six, in considering the key factors such as security instability, ease of separating the IANA function from ICANN, et cetera, for evaluating the various transition proposals, what importance would you give to the ability to separate IANA from ICANN versus the other factors? Seven, given the IANA functions could be separated from ICANN, do you believe it would be important for the community to obtain from ICANN on an annual basis the costs for operating IANA including overhead costs? Then a sub bullet on that. Would it be important to separate out the costs associated with address and protocol functions? Eight, could there be unforeseen impacts relative to selecting a new operator for the IANA function versus the ICANN policy role? Nine, are there other transition models which the CWG should be exploring? Thanks.

Rafik Dammak: What are you saying? Okay.

Avri Dori: I think what Bill said is we should set ourselves to work on those. Is that what I heard you say?

William Drake: I was echoing Matthew.

((Crosstalk))

Avri Dori: I mean Matt, the ninth is certainly a lead on to Matthew on a hybrid idea that Brenden, Matthew and I and others have been talking about for the last couple of days.

Rafik Dammak: Okay. Thanks. Stephanie.

Stephanie Perrin: Yes. I just - Stephanie Perrin for the record. I just wondered who drafted those questions and you heard me ranting earlier about what bad questions they are. I'm not saying that it isn't a good idea to answer them, fine, but I think we should point out some of the assumptions and the leading nature of the questions while we're doing it. Sorry if any of our guys were approved as part of that team that drafted those questions.

Avri Dori: Should I answer the question?

Rafik Dammak: I think - Avri, we've got three people who want to answer that. So we'll start with you, Milton and then Matthew.

Avri Dori: Okay. The questions were written by our chairs and they were reviewed by the group.

Milton Mueller: I'm just curious to why you think they're leading. I'm very sensitive to that and I thought that the questions were pretty good on a whole. What do you have? What problem do you have with them?

Stephanie Perrin: Well...

Milton Mueller: I mean, it depends on how you answer them.

Stephanie Perrin: Yes and this will be a long discussion but I'd be happy to walk you through what my problems are and, I mean, I'll contribute my best to the discussion but maybe we shouldn't take the time here.

Rafik Dammak: Yes. Matthew, please.

Matthew Shears: Yes. It is difficult to listen to those questions without actually considering the entirety of the document there on page six or seven or whatever it is. So the document does go through the models, the rationale for the models, describes the models and then the questions come at the end and it's really only after going through those that it puts it all in context. So I think that's an important part of the work as well is reading the document and everything else and I think it'll become clearer but those questions were, as Avri said, they came from the chairs but they also came from us as well in the working group and then they've been slightly rephrased. So it's gone through a couple of iteration.

Rafik Dammak: Thanks Matt. So turning to more action oriented. So we have the document. It is still out for comment for how long or it's just for the Singapore meeting?

Avri Dori: There's no deadline on it. There's no open comment period on it. It was - this is where we are coming into Singapore. Now, in Singapore already we've had the first talking sessions. I don't think we've had a working session yet. I think our first working session is tomorrow. So hopefully by the time we leave Singapore, we'll be a little further developed and we'll have narrowed things down so that as time goes on, this document should become less relevant as we narrow in on some but that would involve predicting things and I'm not sure where we're going to be in Singapore yet and hopefully we will have moved along but who knows.

Rafik Dammak: So Avri it means that we still need to respond to these questions and still we need to work on them. So it's something that as (NCIG) we need to work on.

Avri Dori: Most definitely. I was surprised when after sending out the document, no one appeared to have read it and certainly no one commented on it or asked questions or anything. So yes. To the extent that we want to answer them, we need to start. Obviously there's many participants in the group from here and they're all giving their opinions. All of us are giving our opinions all the time but in terms of the people that aren't participating, the more they give us to work with, the more we'll have to work with.

Rafik Dammak: Sure. Determining the proposal hybrid, solution hybrid proposal, is it possible to share it?

Matthew Shears: Just before we get to that, just to Avri's point, I think it is useful for us to be able to give Avri something that she can refer to that we have as NCSG responded to these questions. I think that's important and it's important in the discussions as well that they hear that this is something coming from this particular stakeholder group. Yes. So Brenden has just arrived in time. So yes. So Brenden, Avri and I have been discussing what we're calling a hybrid model.

                  One of the dilemma's as Avri's explained is that there is a diversity of views between those who subscribe to the contract co external model and those who subscribe solely to the very internal model internal to ICANN and there's also concerns about, as you've probably heard from the various meetings we've had so far, the complexity of the model. There are concerns about how hard is it to actually separate a contract from ICANN if it's deemed that ICANN has not got the sufficient performance levels or is not meeting proper policy implementation and things like that as the operator.

So for a number of other reasons -- and Brenden please jump in when you want -- we've been discussing a different kind of model now. Now, one of the problems that we've had from the very beginning as Milton said is that the ICG has basically separated the discussion on the IANA transition into the three parts. So names, numbers and protocols and if you look at the IANA function as a whole which is what it's being operated as now as an external model effectively as a whole, there are some - there is a value to looking at it holistically in terms of what kind of accountability mechanisms could you put in place if you were looking across the three.

So we've come up with this hybrid model which to summarize it very quickly is basically to separate out the IANA functions team from ICANN, separate it from ICANN itself, create into a separate entity, suggest the creation of a board for that IANA functions team that would comprise members or individuals from the names, the numbers and the protocols communities and that entity would then be the operator for the IANA functions.

So it would be a standalone entity or possible a subsidiary of ICANN but we're looking at a standalone entity that would undertake those operations. So you would have effectively parity in the relationships between the RAR's the ITF and ICANN with the policy implementing entity which is the IANA functions operator. So if you can - it would be easier to show the image. I don't know if we can. Can we do that?

Avri Dori: That's what I - I just sent the URL to Rafik. I don't know if we can get it into the AC or not. You mean just put it as a picture? I just put the link. No. I sent it to the chat. Okay. Yes. That's in your control Matt because you only have it open to CDC. If you can open it to the world at this point for viewing. It's easiest to open it up to the world for viewing. That's right. I have to get into Adobe. Give me a second. I'm not in Adobe. How many windows do you want open at a particular time? Are you in Adobe chat already? I'm not. You can just drop the...

Rafik Dammak: We can - okay. Stephanie has a question. In the meantime, we will figure it out for this.

Stephanie Perrin: Yes. Stephanie Perrin for the record. This sounds rather similar to some of the models that we discussed at the (unintelligible) school in the summer. My question would be -- and forgive me for thinking in terms of para government bodies -- but how is this thing constituted? Does it have to be incorporated? Is it an association? Is it a creature created by ICANN? Is it a separate operating agency, an SOA as we say in government?

Matthew Shears: I don't know unless you want to jump in Brenden but we haven't quite got that far in terms of establishing whether or not it's a completely separate entity or whether it could be a subsidiary of ICANN.

Brenden Kuerbis: Thanks Stephanie. First of all, I'd just like to point out I've been talking to other people and this model is actually quite similar to another model that's being pitched by someone in the registry and registrar side. So the idea of taking the IANA functions out of ICANN and having an ICANN contract with that entity or having it as a subsidiary, having it distinct from the policy making body is definitely a feature that more than one group wants to see. As to whether it's a subsidiary or an association like Matthew said, those are details that are details that we haven't quite ironed out. So I think that the debate will be largely about that. Do we create a subsidiary that's holding by ICANN or is it owned perhaps by ICANN, RIR's and the ITF equally? Is it a wholly owned subsidiary of ICANN or would it be, perhaps, equally owned amongst ICANN RIR's and ITF? We haven't really come to that point in discussing this.

Avri Dori: If I can add, in fact, there is a note down at the bottom that has an open issue. Is it a subsidiary, a subsidiary set up to spin out upon decision of its board, a separate entity from the start? Then any of the models that we've talked about in terms of trusts and whatever any of those contract models

and then further discussion to be held. Is it a member association? All the models. We haven't closed on that at all yet in terms of offering this hybrid.

Rafik Dammak: Okay. Thanks Avri. Yes Stephanie.

Stephanie Perrin: Stephanie Perrin again. I heard Jonathan answering on day one questions about how long it was going to take to get the independent legal advice. Was it weeks? Was it months? I must confess I felt his response was somewhat vague. It does seem to me that this is where you really truly need independent legal advice advising on the liabilities and all of these issues. There's a number of really important distinctions in these models and I'm no expert on this that's for sure and I would hesitate to rely on the Jones Day advice that you're getting now. So you need to find independent advice on this.

Rafik Dammak: Okay. Matthew, yes. I think Stephanie should not worry about the position on working group but Matt will reply.

Matthew Shears: Okay. I cannot open this. This is a CDT Google doc and I can't open it up to everybody.

Avri Dori: I made a copy and I'm about to open it up to everybody.

Rafik Dammak: I think it's on the screen if you can see it.

Matthew Shears: Okay. Yes. There it is. Okay. Just to answer Stephanie, you're absolutely right. I mean, it may take up to four weeks to get that legal advice. At least that's the last I heard. Now, I just want to be very clear that this is a different model than what we have been talking about so far because it incorporates the other two protocols and numbers. Now, this is not something that's been done. It's been discussed in the context of the work that we've been doing in the working group. So this is just - we're just putting this out as an idea. This doesn't mean - it's for thought basically.

Rafik Dammak: Brenden, yes. Please go ahead.

Brenden Kuerbis: Just to follow-up on Stephanie's question. The working group, the RFP3 group, that's working on models, they are actively pursuing independent legal advice. So that is happening.

Milton Mueller: So the inclusion of numbers and protocols, does that simply mean that because numbers and protocols are currently contracting with ICANN to perform the IANA related functions that that will move out with names or is there some other way in which you're requiring these communities to change their practice?

Avri Dori: Yes. Avri speaking. I think the notion here is that all of IANA as it exists now would be moving out to this new thing. So it was like an invitation to this is the same IANA you're dealing with, this is the same IANA you currently have MOU's with and everything. So if this idea is palatable, then this was something we would think you guys would participate with if that was - so it's a notion of saying how do we work on this together. It doesn't change their model at all I wouldn't think.

Milton Mueller: Okay. If you can minimize anything they have to change, the better.

Avri Dori: I guess the change would be that the SLA would be with this new IANA as opposed to with ICANN although it would still be ICANN doing it.

Rafik Dammak: Thanks Avri. We have still 20 minutes on this item and we still need to hear from Robin about ICANN accountability but just trying to figure out what we see as an action from our side. So responding to the discussion document and getting the updated and what happened during the Singapore meeting, trying to consult our membership to make a position. So (unintelligible) discussion within the mailing list but also I think we liaise and lose outside ICANN and civil society to get their input and then we have this hybrid model

that needs more discussion, maybe more introductions so we can work on that. Am I missing anything?

Avri Dori: Right. No and in fact, I think certainly what I think falls to me is at the end of this meeting, certainly to report back to NCSG discuss and then perhaps even as early as next week, set a first one of these time to talk on a teleconference or an AC conference or whatever it is to start collecting more opinions but the other thing is, I read the NCSG discuss list many times a day and people can come and talk to me and tell me so I can start collecting this stuff and aggregating it and whatever but yes, talk to me, tell me.

Rafik Dammak: Okay. Thanks Avri and also I think we need to - within (NCIG) we need to work position but also try to liaise with this outside ICANN. They're not involved directly and we get them involved. Yes, Matt, please.

Matthew Shears: Yes. I just want to - regardless of this hybrid model which I think is something that we should continue to discuss but I would just like to encourage everybody to respond to these to read the Singapore discussion document, to respond to the questions because quite frankly, time is running out. I mean, this is the meeting when the chairs will be taking a sense of the direction, a sense of the temperature of the room and they will be starting to shift the discussion in whatever sense they get from this. So this is important. We won't really have another opportunity like this to get our views more well known to the rest of the community that's working these issues. Thanks.

Rafik Dammak: Thanks Matt and I think the other possibility we have the (unintelligible) and so on, people should go to the mic and speak. (Unintelligible).

Man: Sorry. Just a word. I mean, as everyone is sharing these ideas, I just want to point out how very important it is to get a brand. So what I heard before is that you're mentioning this as being the hybrid model and that's what it's being known as whereas when I first saw this I kind of view it as an integrated model, as opposed to a hybrid model. And so the branding I think is quite

important. So as one is expecting a final thing at the end of it, my suggestion to this group would be to think about more of sort of an integrated model as opposed to the word hybrid model. Thank you.

Rafik Dammak: Thanks, (Peter). Okay. If there is no further comment on this, we can move to Robin.

(Ashton Sunami): Can I say something now?

Rafik Dammak: Yes. Can you just speak up? Can you hear me? Yes? Can you speak, please? What's your name?

(Ashton Sunami): This is (Ashton Sunami). I'm following the discussion from the (unintelligible).

Rafik Dammak: Yes, (Ashton), please go ahead.

(Ashton Sunami): Can you hear me?

Rafik Dammak: We can hear you.

(Ashton Sunami): I don't have any comments or any personal questions, but I guess, let's see, I've been following the discussion and now I need to go back to work. I just to wanted to encourage you for the discussion and your team members. I don't have much to comment as of today, but I'm glad I've been able to follow the discussion from the (unintelligible) on remote. Thank you.

Rafik Dammak: Thanks. Merci beaucoup. Okay. We're back to Robin.

Robin Gross: Okay thank you. So related to the IANA transition is the cross-community working group on enhancing ICANN accountability, which I represent NCSG on. So we've basically - we got started. We had a meeting in Frankfurt a couple weeks ago, and we actually did a lot of work. And I'm happy to say that there's not a lot of disagreement in our group about the kinds of reforms

that we need, the kids of goals that we have to - with respect to ICANN accountability.

Now there's some disagreement on how to get there, but I'm really amazed actually at the amount of agreement that we've got in the group so far. So what we've done is basically divided the work into work streams at this point. Work stream one is the - those recommendations that must be committed to before the IANA transition can happen. And workstream two is more general robust, or excuse me, more general reform measures like robust transparency and just the kinds of more generalized accountability needs.

So we haven't done much work on work stream two. We did come up with a whole lot of issues where we'd like to see improvements and enhancements to ICANN's accountability, and then try to sort of divide them up into which one of these two work streams they belong in. And we've really focused all of our work so far on work stream one.

And again, work stream one are those recommendations that need to be committed to and there's some wrangling over what committed to means. Does that mean they must be implemented? Does that mean they just need to be agreed to? And so we're not entirely nailed down what committed to means, but I think most people are in agreement. And so again, these are the measures that must be committed to before the IANA transition.

So the few issues that we put in the bucket for work stream one, the things that must be done or committed to before the IANA transition are, one, reforming the review and redress mechanisms that ICANN currently has, things like the independent review process, the reconsideration request process. I mean many of us have been through these and we know where there are some problems and where we need to do some work. So that's one of the issues in work stream one, reforming the review and redress mechanisms.

Another issue in work stream one is to implement the articles of - excuse me, the affirmation of commitments recommendations that - I understand that Bruce Tonkin who's on the group from the board, he says that many of these recommendations are about to be implemented, so that's good to hear. Another is limiting the scope of ICANN's activity, trying to make sure there's some way that ICANN can't suddenly decide it wants to go off and do things have nothing to do with managing the domain name system.

And lastly is this notion of community empowerment. And the idea behind this notion in work stream one is that the members of the community, us here in the GNSO, in the ccNSO, and all of the different parts of the ICANN community can have some kind of ability to control what the board is doing. And part of this also would involve spilling the board, being able to have the opportunity to remove the board.

Now there's a few different proposals for how to achieve this goal on community empowerment, and this is sort of where we've been kind of stuck and working - spending a lot of our time on, but I actually think we're going to make some progress this week on this. And so one of the possibilities that's been discussed is restructuring ICANN as a members - as a true membership organization where all of the people who participate are in fact members.

Another possibility that was proposed is to create sort of a delegate model where we would get to appoint delegates to have some kind of say over what the board does. And the third is an option that I proposed in Frankfurt called a community veto. I should note, however, this community empowerment issue, it's not necessarily with respect to everything ICANN does.

It would only be an opportunity to be a check on certain key decisions like the budget - the ICANN budget, approving the bylaws, bylaws changes, amending those, very, very narrow set of circumstances where the community will want some kind of an ability to tell the board you can't do that or go do that.

So I actually think the community veto model is surprisingly picking up some traction because it actually is the, in some ways, the easiest of the three. It doesn't require creating a new organization. We can simply amend the bylaws that we got.

And this proposal basically says that when the board takes one of these decisions in these key enumerated areas and the community doesn't like it, the community would have an opportunity to go to the say the ombudsmen and file a complaint that they would then other members of the community, the entire ICANN community, would have an opportunity to vote on to decide do we want to do overturn this board decision.

Now - so for example under this model, Rafik would get an e-mail or a notice saying there's been a complaint lodged and your members want to decide if you want to overturn this board decision or not. So he would pass that on to us, the members, and we would use our existing mechanisms to have to make a decision on matters in order to come back with what our view is on a particular issue.

So we could then say we wanted to, say for example it's a budget issue, we don't want to approve the budget. So then if the community as a whole voted to overturn a board decision, that would then go back to the board. Now it's very kind of legal and complicated this part of the debate, because there are California corporations laws and rules about how organizations, nonprofit organizations, must be managed, and it's the law and there's nothing we can do about that.

And the law requires that the board be the final decision maker on decisions that are taken in a public benefit corporation, nonprofit public benefit corporation, as ICANN is. However, we've come up with a mechanism whereby if this community decision to overturn the board goes back to the board, the board has an opportunity to then reject that community decision.

But we could create such a high threshold, say for example a unanimous decision of the board or a super majority decision of the board, to then overturn that community decision. That would meet the statutory requirements that the community has - excuse me, that the board has the ultimate authority because it's just the board who has agreed to constrain itself in this manner.

But it would also give the community an enormous amount of power to be able to overturn decisions, and it could make it very difficult for the board to reject the community decision. And then if you couple this mechanism with an ability to record - excuse me, to recall board members, I think we've got a pretty powerful way of trying to have some control over what the board is doing on these key important issues.

So yesterday we had a meeting and we had -- sorry, I'm so tired. I can barely breathe. So yesterday we had a meeting with a lawyer that ICANN has retained, one of ICANN's lawyers at Jones Day, to go over a memo that he prepared about how could the community - one of the issues was how could the community have some kind of authority over the board decisions.

And if you read the memo, it looks like there's very little the community can do. It basically only talks about the parts of the statute that say the board has the ultimate authority. However, I was just at a meeting with the subgroup, the legal team, and also when the lawyer was questioned yesterday about well what is this part in the statute mean "Subject to any restrictions in the bylaws or articles of incorporation that the board has the ultimate authority," he admitted that there are means and there are mechanisms to overturn a board decision.

And we also talked about that in this meeting we just had over lunch with the Jones Day lawyer. So I'm somewhat encouraged, to be honest, despite the memo that we got. You can just ignore that frankly. We're now going out to

get our own independent legal advice, and I expect we'll an attorney retained by the end of the month.

Now they said initially that they would expect them - it to take them a month to get that legal advice back, but I don't think so at all. I think this can be done in a week or two. So from the time we retain that attorney, we can get that advice in March sometime. And that advice is to sort of help us understand a little bit more the intricacies of the different legal structures. Because this is again a very complicated legalistic issue, the manner in which the organization is incorporated under and what type of organization it is.

So we're going to get our own legal advice, and then what we really want to do is say okay well we've got these different ideas for how we might archive our common goal of community empowerment, is it a members' structure, is it some sort of delegate structure, or this community veto process. And - so again, I think we'll get that back in few weeks and that will inform our own deliberations about which would be the right, the better angle to go down to try to achieve what are really shared goals with most people in this working group.

So I guess I can leave it at that for right now and just see what kinds of questions and issues folks have. And again, I apologize. I'm barely awake.

Rafik Dammak: Thanks, Robin. You can breathe now. Okay? Amr and yes? Ed.

Amr Elsadr: Hi, Robin. Well you may be tired but you gave a pretty cool briefing, and thanks for that. Listening to you describe the community veto, just a few questions popped up in my head and I'd like hear your thoughts on them. One, I'm just trying to think about a bad board decision on gTLD policy to - for the community to practice its right to veto, we're talking about an ICANN-wide community decision including the ASO, the RSAC, the ccNSO, everyone in the community.

And doesn't this sort of place a burden on the different ACs and SOs to sort of pay attention to what kind of policies are being passed that don't really affect them or influence them in any way? That's just one.

Robin Gross: Can I just quickly answer that, because I didn't fully describe the proposal. And the proposal would be tailored would be tailored such that we wouldn't in the GNSO have any say in what goes on in the ccNSO. So there would be scoping of which members in the community are appropriately allowed to or which parts of the community are appropriately allowed to have a vote on a certain issue.

But that needs to be worked through, and I realize it's not an easy issue. But you're absolutely right, and we flagged that, and we have to work through that. So, I'm sorry, what was your next question?

Amr Elsadr: My next question was about recalling board members and also and the relationships of that to sort of having a way for the board to again overturn a veto by the community. Normally, at least this board, my understanding is that they make their decisions on a full consensus basis, or they've had a track record for doing that. So they already have full consensus in making those decisions.

I realize that after a community veto trying to reverse those decisions for them to go ahead and have full consensus again which is required to overturn the community veto, I don't think it would be impossible for them to do that. It may be embarrassing for them to do that, but it wouldn't be - it certainly wouldn't be impossible. In fact, it would be easy.

But then there's the relationship of that with recalling board members so after the message has been made so strongly that, for example, the GNSO wants to overturn a board decision on gTLD policy and the board members representing the GNSO, the two halves of the two different party houses, there is a chance just say, you know, we don't want you being the board

members representing us anymore. But it just seems a little messy and complicated to me and getting to that stage.

Robin Gross: Well the community veto has nothing to do with the recall mechanism. They're two entirely different mechanisms. And we haven't figured out yet how we're going to do the recall part, the recalling those board members.

Amr Elsadr: It's not an escalation process.

Robin Gross: Exactly.

Amr Elsadr: It's not an escalation process. That's what I'm...

Robin Gross: You're saying it's not an escalation process?

Amr Elsadr: Yes, the way I understood it, it seemed like it would be reasonably an escalation process where first you have a community veto and then you have - the next step would be that the board overturns the community veto, and then you have recalling the board member, yes.

Robin Gross: Community recalling board members who didn't vote the way the community wanted, right. But we haven't gone through the mechanisms yet for how - the real details for how that recall would work. It's complicated because, as I said before, California law requires that the board have the ultimate authority. We're not going to get around that.

But what we can do is we can make it so hard for them to ignore the community that we can - I mean it's not technically a veto because the board can veto back and they have the final say. But we can make is so hard for them, and there will be a punishment at the end of that if they do. That it's basically a veto. Does that help at all? I mean, if there are questions we should discuss them.

Rafik Dammak: Yes but I have to say we have a queue and we have people coming, so I'm trying to be fair to everybody. Yes, please?

(Adam):   Thank you. (Adam) from the (unintelligible). I understand there's also a public expert group that's attached to the CCWG. Is that including an advisor on - who has recently been appointed on international law, the latest stuff? I was just wondering what are the kind of questions that are being put to the international law advisor? And in particular I was wondering if there's any way to approach some of the public interest questions that we raised in the morning meeting through (unintelligible) or accountability to this particular advisor?

Robin Gross: Yes I think some of these issues would relate to some of the public interest issues that were discussed this morning. So it again would be a mechanism for the community to have some say in how those things are ultimately determined.

Rafik Dammak: Thanks, Robin. I think Ed. Yes?

Ed Morris: Thanks, Rafik. Robin, you proudly mentioned that you made your work group work stream one and work stream two, I'm actually on the little known and often forgotten work stream four. And I just wanted to let you guys know what we're doing is we're creating stress tests in 25 different areas, such as - sorry about that. Ed Morris for the record is the way you do it.

In any event, we're creating 25 different areas where -- Steve DelBianco is actually leading this, but I've got a few of my things in there as well -- where we're actually saying, "Hey, what happens if ICANN develops financial problems? What would happen to current accountability mechanisms, what would happen to proposed accountability mechanisms?"

The goal, and this whole thing's required by the NTIA, is that whatever we come up with can withstand circumstances that we can sort of foresee but

hope don't happen. So if there's a financial crisis or if the AOC is terminated by somebody or whatever replaces it, that we have plans in place that ICANN remains accountable.

In terms of the community veto, I think Robin's come up with a very unique proposal we should look at. At the same time, I'm still in favor personally of the membership option because it comes with it the statutory right to derivative lawsuits, it gives us the statutory right to inspect corporate records such as board minutes, we can amend the bylaws with the simple majority vote of the membership.

The problem with a lot of this, the problem with the independent review panels that I think whatever plan we come up with we're going to have is our folks can't afford a lot of this. So I know I've talked to Robin. In fact Robin introduced onto stream two - did you put in stream two the fact that we have to look at the affordability?

Robin Gross: No it's in stream one.

Ed Morris: Stream one, it is. Okay great. Because one of the problems on a lot of the accountability mechanisms look great on paper until we have to pay for it. And we can, as we found out with the trademark 50, issue.

One last comment is that at the lawyer meeting today, one of the things I thought that was remarkable is that the Jones Day attorney admitted that in carrying out their corporate board duties, ICANN board members are supposed to take a look at community views. For how many years they've been instructed by ICANN legal, you just have to look at the well-being of the corporation.

So that was something that came out of today's meeting. Someone asked them to put it in writing. His response was, "I'll have to get permission to do

so." But if he can get that permission, I think that was a major accomplishment of the meeting today with Jones Day. Thanks.

Rafik Dammak: Thanks, Ed. We try to aggregate all the questions and if Robin you can respond, we'll try to get all the questions and then you can respond in aggregate so we can move to the next item. So (Pinder).

(Pinder): Just an observation, Robin. Some of the mechanisms that you're proposing in terms of the veto are public. That's the whole point. So in the sense that you try to generate visibility and embarrassment, if you look at the principle of voluntary participation and adoption, there's always the sort of - the concept of nonparticipation, boycott or whatever you want to call it. So there are the soft elements that you could also think about that are not the pure legalistic route.

Part of the argument way back when was, you know, the legitimacy of ICANN if no one shows up, right? So there are other perhaps tools that you could think about that are not purely legal. I mean if no one shows up, if not participates, then you have your answer.

Rafik Dammak: Thanks.

Avri Doria: Two things. One, a comment I want to add and then one a question I've got. On the first one as part of my role in the CCWG representing sort of the ATRT issues, one of the things that we haven't brought into this may related partly to want (Pinder) said is the whole thing of renegotiating the role of the ombudsmen and the fact that the role of the - that was an ATRT recommendation that hasn't been acted on, and it's one that we should bring into the cross-community working group.

On the question of the I guess what's being called the veto proposal at this point, at first I thought it related kind of to the notion of the golden bylaw that there were some that you couldn't basically change the bylaws and then have

the board come in and change them again. Since then what I'm trying to find out is has the notion - so it was major institution-changing decisions that they couldn't do without this mechanism of response without the community veto.

But from the discussions we had earlier, and especially some of the comments made by Amr was that is was going to a level of a GNSO decision that they overruled as opposed so it's not just staying at major institutional decisions, it's being a mechanism that we'd use for just about any decision. Oh, okay. So I did misunderstand.

Robin Gross: We just used that as an example.

Avri Doria: Oh, okay. But still because you had said, you know, well who's related to it. And in answer to Amr's I thought if it's institution-changing issues that are subject to a community veto, then all of the SOs and ACs are always involved.

Robin Gross: That's right, because they're basically the impacted parties. So the parts of the community that are impacted by the decision would be the ones who would have the opportunity to do the veto. So yes, I'm sorry if that wasn't clear.

Rafik Dammak: Thanks, Robin. I think we have a comment I think a question from Stephanie and also we have in the remote participation. So we'll hear from Stephanie and then we have a remote participation question.

Stephanie Perrin: Okay. Stephanie Perrin. Just a question, Robin. Since California law is one of the issues at least, has the prospect of changing the state where the corporation is incorporated come up? How hard is that?

Robin Gross: That's not going to happen. I'll be realistic. That's not going to happen. It's going to stay in California. It's going to stay a California not-for-profit corporation. Just a question of is it a membership corporation, is it a public

benefit corporation. There just isn't the will in the group. And frankly, how could we do that before, you know, excuse me before September of thereabouts. Yes, moving to outside California is not an option.

But it was kind of funny because when we first got the memo back from the Jones Day lawyer that basically said there's nothing you can - there's no way the community can override a board decision, one of the responses from James Bladel was then maybe we should leave California, if that's what California law provides. But it isn't. The memo was misleading in its characterization of the kinds of powers the community actually could fashion for themselves under the statute.

Stephanie Perrin: Except that moving out of California is not that hard. I'm just saying.

Robin Gross: It would be hard for ICANN to.

Rafik Dammak: Okay sorry. I think the last question from remote participation was close to what Stephanie asking if there are state laws in the United States that offer better protection than this California one?

Robin Gross: The question is are there states in the U.S. that would be better than California? I don' think so. I think California not-for-profit corporation law is pretty good, and we're okay on that. Again though, as long as we're to remain a corporation, I'm sure people have heard me say this a milling times that part of the problems of ICANN is that is organized as a corporation and we engage in governance activities. And so they don't always match. They don't always overlap, and so that's a problem. And so it's going to continue to be a problem.

We're going to continue to remain a California nonprofit corporation. So what we're trying to do, what I'm trying to do, is build mechanisms, processes into the bylaws that can restrain what the board does, can empower what the

community can say about what the board does, but it's going - it'll stay in California.

Rafik Dammak: Thanks, Robin. I think we have to move to the next item, our guest here. I'm sorry for those who couldn't participate. Maybe they can send you the question later. (Unintelligible) So I'm sorry for that.

Robin Gross: Can I just make one other point? And we do have a mailing list for this issue, an NCSG accountability mailing list. So if you'd like to join and contribute on a more detailed level, please join the mailing list.

Rafik Dammak: Sure. Thanks. Okay. So thanks for (unintelligible) coming here today. I mean they sent an invitation. They want I think to talk about the budget and operating plans for fiscal year 2016. Yes we have the slides. Yes they should be...

Xavier Calvez: While you're doing that I thank you for receiving us during your meeting. We kind of invited ourselves with each organization to take a bit of your time to provide feedback on the operating plan as well as some financial overview and update. So thank you for that.

Man: Rafik, sorry. Could I - because we have a very loud air conditioning unit down here. I don't know what it's like up there, so everybody could speak close to the mic, that would be wonderful. Thank you.

Rafik Dammak: Yes. Okay the slides are in Adobe Connect. So if you can access from there. You can use my (unintelligible). We have problems.

Woman: Oh you can't see them?

Rafik Dammak: Yes.

Woman: Oh, okay.

Carole Cornell: This is Carole Cornell, ICANN staff. And I'm just going to give you about a five, seven minute update on the five-year operating plan, where we are, and some of the comments and feedback we've received. Because I'm trying to ask if you have any other additional input on the key performance indicators or how it's formatted, this is a chance for you to provide some feedback, and we would very much appreciate that.

The overall planning process is one that's been formed over the last year or two. It's an updated plan from the past. It is cyclical cycle in the sense that we now have a five-year strategic plan that was approved by the board in October. And from that, one of the subsets of that was to have a five-year operating plan to show a little bit more the who, the how and the what of accomplishing the strategic goal. And that's what the plan is meant to be.

The next one is from that we would take and form yearly an annual operating plan, which we would update using the progress of the metrics, the key performance indicators and general progress to update each year. Okay, that's kind of the high-level cycle that we're doing.

Overall we had eight different groups provide respondents, which turned out to about 100 overall elements. It's broken into the different phases of the five-year operating plan from planning and process, to key performance indicators, to dependencies, phasing, financials, and it's cut off a little bit, the last column says other.

I'm just going to move forward. If you take each one of these, there's two or three key points that we'd like to make. The first is we actually got a lot of positive feedback on the development of a five-year operating plan, specifically the process and the format.

The format is the - so the strategic plan format is connected to the five-year operating plan format, which is connected to the annual. So there will be a

linear way to communicate effectively across all. And the cycle also is continuous so that all of the little separate elements are all now folded together.

The second comment was more work is needed to refine the current set of KPIs that are listed in the five-year operating plan, specifically with clarity as to what the actual KPI is defined as and some more specificity for targets and directional components. For an example, in one of the KPIs said a 5% - sorry, growth. It's that kind of specificity that the stakeholders would like to have in the key performance indicators.

The third element that came out of the comments overall was the importance of the introduction of a five-year financial model helps the understanding of ICANN's approach. And that Xavier will talk a little about when we're talking a little bit more about the financial information.

I could spend a lot more time and go through the details but I wanted to kind of keep it to those high level summary points so that you could see that we have heard and appreciate the feedback and what the key components are that we're working on. So the main portion here is that all of the comments are in the public comment forum, a report for each item. There is a response. And also the updated redline of a five-year operating plan draft is available in you're interested to see that.

I'm now going to turn it over to Xavier and ask him to go ahead with the financial portion.

Xavier Calvez: Thank you, Carole. And you may know that I maybe have attended to a quarterly stakeholder presentation that ICANN has conducted on the 29th of January, so a bit less than a couple of weeks ago. We have provided that presentation on the second quarter of our fiscal year, which goes from 30 October to the end of December. We had on the previous similar presentation

for the first quarter of our fiscal year, and that goes from July 1 to September 30.

Those calls look very much or sound very much like those that are performed by commercial corporations to their shareholders and investors. I will go over just the next tract of this presentation that happened about ten days ago. Selfishly, I choose the financial slides or some of those. But before, I just wanted to give you an overview of what the structure of those calls are.

There's a president overview from Fadi for about ten minutes. David Olive then provides a policy update on the policy development work that occurred during that previous quarter, and then there was a management update provided by one of the global leaders. This past time it was Sally Costerton who provided it. The previous time it was Akram Atallah, and the next time it will be another global leader. Nobody else wanted to do the financial update so I did it and it was after that, Q&A.

The last call lasted about an hour and ten minutes, and we intend to use this channel --if you can back up one slide, please -- we intend to continue using this channel as a way to update the stakeholders, and the public honestly, on what the organization has accomplished over the previous quarter. It's a very comprehensive overview of what's happened. It has a certain number of metrics, statuses, milestones, accomplishments and so on.

The link to that presentation is of course on our website. It's published. You have also the audio of the recording that is available on our website. If you go on icann.org and you do a search on quarterly stakeholders, you will get to immediately the link to that presentation.

I will go over just three of the few financial slides that we presented during that call. Just to give you an overview of where we are at the end of our second quarter fiscal, which was at the end of December for the first six months of the year. The - this is an overview of our revenue, both in terms of

structures and amounts. The amounts that appear in the small circles or boxes are for the first six months of the year, so from July through December.

And this graph intends to provide a view of both the sources of our revenue between the registries and the registrars, as well as in columns, what are the drivers for our revenue in ICANN. So the first column that appears here in the middle of the slide are those revenues that are driven by the number of domain name registrations.

The registries on a monthly basis report to ICANN the number of registrations that they have registered during that period. And that's what we use, multiplied by 25 cents for the registries, or multiplied by 18 cents for the registrars. That's what we use to bill and collect our revenue from the registries and registrars.

This represents approximately 75% of our revenues, and those are therefore driven by the number of registrations. On the right, we have those fees that ICANN collects that are driven by the number of contracted parties. Those are usually six fees either per contracted party or per event. When it comes to the registries, these are the $25,000 fixed fee that each new TLD pays to ICANN on an annual basis. It's paid by quarter, but the total adds to $25,000 per year.

For the registrars, those fixed fees or application fees, any new registrar that applies has an application fee of $4,000. The accreditation fees are the annual accreditation fees that the registrars pays. It's also 4,000 per registrar per year. There's also another per registrar variable fee, but that in total is fixed of 3.8 million on the registrars. And that represents, that category of fees, represents approximately 25% of our revenue.

And there's also a small additional portion of revenue that includes contributions from ccTLDs, voluntary contributions from the ccTLDs, as well

as contribution from the RIR, and some sponsorship revenues at ICANN meetings.

Any questions on that?

Next is another view of revenue simply to try to show where our revenue is at the end of the six months compared to our budget. We have a budget for the fiscal year that is broken down by month. At the end of the first six months of the year, our expectations on our revenue was approximately -- a bit cutoff at the bottom -- but at 46 million, and the actual revenue at the end of that same period was slightly higher at 48 million. So slightly above.

There are puts and takes in that overall picture. The - you may note that the registry fixed fee is slower - sorry, lower than the budget by 1 million. This is driven by the slower ramp up of the number of new TLDs that are delegated into the root than was originally anticipated as part of the budget. And that difference is expected to continue happening and growing over the rest of the fiscal year, driving a shortfall of that specific part of our revenue.

The opposite other parts of the revenue like for example the registry transaction fees, as well as some of the registrar fees, are slightly exceeding budget, more than offsetting the shortfall of the fixed fees.

When we translate or extrapolate at this stage this situation for the end of the fiscal year that's coming up in June, we are expecting the revenue is still achievable as is. We know that the registry fixed fee shortfall will continue through the rest of the half, but it's also offset by the other parts of the revenue of ICANN.

Next. Thank you. This is an overview of expenses. At the top operating expenses and capital expenses of the organization, the full bar -- and I apologize, I don't know if you see the entire slide because there seems to be cutoff on the right -- the full bar in orange is providing an overview of the full-

year budget -- thank you -- which is at 101 million of operating expense. And the darker orange part of this bar shows the actual spend after six months, which is at 45 million for a budget that assumed that it would be at approximately 46 million. So we're a little bit below in terms of expenses.

Capital expenses are 3 million versus 4, for an overall budget of 8 million for the full year. So globally we are a bit under in terms of expenses, a bit over in terms of revenue as we said before, overall on target. This is a perfect place to be at this stage of the fiscal year. We would want that rather than the opposite.

And the USD transition-related costs - this slide is slightly misleading because the costs are actually 1.5 million, so if we were to round it, it's closer to 2 than to 1. But the cost of USD transition for the first six months of the year have been slower than originally anticipated, knowing that the - our expectation was very roughly determined simply because both from a full-year standpoint as well as for the first six months, it was very difficult to know how much would effectively be spent relative to the project.

However, it is expected that the rate of spend in the next six months of the year will be faster or higher than the rate of spend in the first six months of the year, as the substantive work of the community-driven groups are - is expanding.

Any questions on that? I hope I haven't lost you through those slides. This is - yes? Any questions either for Carole or for I on?

Avri Doria: I have a question. This is Avri speaking. But I'm not sure it's on the slides. I'm not even sure - in fact I'm sure it's not part of your presentation, because it has to do with a finer detail on the budget.

One of the things that's been discussed within the cross-community working group on the stewardship is trying to figure out the costs of IANA. Yes. And

being told that, "Well that's too hard to do. We can't quite do that." And trying to understand what the costs are for IANA in whole, including a share of overhead and how much is a portion to supporting the various functions that it does.

And so since you were in the room I actually figured that I would ask you is it really impossible to get that kind of concrete information like people keep saying it is or is that something that can be figured out, at least approximately?

Xavier Calvez: Who says it's not possible?

Avri Doria: It's just been discussed. Check the list. I'd have to go back to who the various emails were from. But it's basically when we ask and says, "No, no, no the breakdown doesn't work well enough for us to know exactly what is the separate cost for IANA, including staff, overhead, travel." You know all the stuff that goes into knowing what a particular functions costs. So great, I'm glad it can be known, so.

Xavier Calvez: Correct. So the subject is the conversations that you had has been shared with the staff by Steve Crocker as well as Bruce Tonkin, so we've discussed the - that question, and (Darren) and I are working on putting together an analysis that will do that.

The reason why people were cautious in responding to that question is because -- I'll be a big facetious for the purpose of the point -- there's a not a number to the question what are the costs. There are as many numbers as is intended to - there are many purposes for a number to be produced. If you would ask me what are the costs of IANA, I would ask you what are thinking - what type of cost are you looking for? Are you looking for a direct cost, a fully burdened costs, a standalone cost, and so on.

So the bottom line is the question is to define the assumptions that need to be underlying to the cost, which is also driven by the purpose of using that number. So I think we have discussed on the basis of what Steve and Bruce have shared that it's a fully burdened, basically, right, type of cost, and the reason why it will take us a bit of work -- and we're working over the past few days and the next couple days -- on the subject is simply because we do not on ongoing basis, produce fully burdened costs.

It doesn't mean that it cannot be done, it's just the matter of spending the time on doing it. So it's not a problem. And we will provide that information. We're working on providing it by the end of this week approximately to Steve and Bruce so that they can silently check that it's consistent both in terms of granularity and clarity with what the question was discussed during the meetings. And from there, it will be presented to the group. And honestly, if there are (unintelligible) questions, it's easy enough to address them. So we're working on it.

Avri Doria: This is Avri again. Thank you. If you go back and see my mail on that, you will see a statement that sort of said, "I know you guys. There's no way you can't tell us."

Xavier Calvez: Absolutely. No, no, it's just a matter of understanding well the questions so that we can respond to it correctly, knowing that it's not just a pushbutton thing. That's all there is to it. It's not - it's complicated but it's straightforward exercises. We need to spend the time in doing it.

And to your point, not belaboring the point, there are very direct costs, very easy to determine those, for example. It's (Elisa)'s team, the IANA department's team. There's 10, 11 people. We have the department for those - that's straightforward.

Then there are a number of direct tasks that are carried out by other parts of the organization, and that is not something that we measure on an ongoing

basis, but can we can measure them for the purpose of this exercise. And then there's an overhead allocation time, which you mentioned earlier as well, that on top that for HR, finance support, et cetera, et cetera, that will be then percentage exercise, a completely straightforward exercise. So that's what we're going through now.

Rafik Dammak: Thanks, Xavier. I have good and bad news. Good news you get I think you will get many questions. And the bad news is you have to respond quickly. Okay.

Xavier Calvez: I'll try to do that by yes and no, right.

Rafik Dammak: No way.

Xavier Calvez: It depends on how the question is formulated.

Rafik Dammak: So I think Stephanie wants to comment. (Benjamin) and Ed. So Stephanie, go ahead.

Stephanie Perrin: Yes I'm just wondering -- Stephanie Perrin for the record -- if you're not in the habit of doing fully burdened costs, can one get the kind of details and figure it out for ourselves? Because certainly in the costing models that we've come up with or the accountability models, the burdening of the costs will be quite different depending on how that model gets developed.

And there's a whole lot of other rather interesting functions that I'd like to find out how that cost is distributed as well, because I'm just starting to follow the financial stuff, and I'm just wondering where can you point me to start looking for this level of detail?

Xavier Calvez: We have a link to the budget presentation that was submitted for public comment, as well of course it's final version approved by the board for FY '15

that provides, if you want to do those calculations on your own, that provides a number of breakdown of costs.

For example, you have a cost of operation in total - in relation to the total cost of the organization that lets you determine a rate of overhead, for example, for the operations, which that operations set of departments include Carole's department, mine, HR, PMO, ERM, and this is the type of support functions that you would use to calculate a burden rate.

So that's the type of places where you can go. We have financial statements that are published on a quarterly basis, and there's more information, more numbers than you can digest, I'm sure, and those can help also doing that.

As I said before, I think that simply a number will only do what it's intended to do, so it's useful to know what you are trying to measure in order to be able to produce a number. Having said that, there's already a fair bit of information that's available by department to do the calculations that you're describing and that can be done by anyone that's want to do them.

Stephanie Perrin: Yes the answer to that question is I'm trying to figure out the distribution of funds across the various functions. I mean, I'm used to government budgeting where I would have a percentage of operational frontend costs that get attributed to different types of functions. So they would be different. And if you're used to doing this kind of weighting, then I don't have those percentages.

Xavier Calvez: It's on Page 13 or 12, I don't remember precisely, of the presentation from last year. We can send you the link.

Rafik Dammak: So, Stephanie if you have more questions (unintelligible) maybe through e-mail. So we'll try to get the question from (Benjamin) and Ed and see if we can get...

(Benjamin):   Hello. My name is (Benjamin) from NCUC. Well according to the budget, you said the initial spending was lower and either expected to be faster now and to be more. Does that mean there's still a lot of work to be done or a lot of work has been done?

Xavier Calvez: Very good question. So it's lower by 1 million out of 46. So it's - generally the point of that means we're on budget from my perspective. The difference is sufficiently minor and don't think that the budget is naturally a 100% precise I think day by day, right? We don't budget for the day. We try to break down an annual budget by month with the sentiment of science, even though sometimes it looks a little bit like art rather than science.

So the timing is the breakdown of the budget by period, which is what we're using to be able to do status points within as detailed as we can do, but it's not an absolutely accurate thing. So from my perspective, 45 versus 46 we're on budget. You see what I'm saying? It's really minor.

And to answer more specifically your question, there's not anything particularly notable in the timing differences between what's being carried out by the organization at this stage versus what we overall were planning. If you look at every single project, there's always a bit of a difference, but in total there's not.

Rafik Dammak: Okay thanks, Xavier. So we have the last question from Ed.

Ed Morris: Thanks, Rafik. It's Ed Morris. Actually it's two quick questions. Referring to the draft of (Okey). SG1.3 you're going to be wiping out the SO/AC special request processes. Could you let us know how you intend to replace those funds in the core budget? The second question has to do with SG5.1, where you commit to developing a common consensus-based definition of the public interest.

Now I looked at your response to the public comments and you merely directed us to the strategy panel on public responsibility frameworks definition. Are we going to be doing more or do you consider that a consensus opinion?

Xavier Calvez: I can respond to the first one. Can you respond to the second? Respond to the second, I'll respond to the first one after.

Carole Cornell: So there's not a formal approved overall definition, to answer your question directly. (Nora) at the (CTAG) from our office has been working on that definition with the community and stakeholders, and she's just giving you additional information to help clarify what the process and where we are right now. But there will be further definition required.

Xavier Calvez: And regarding the SO and AC additional budget request process, we are laying out (unintelligible) you have pointed out and intend to wind it down. What we have not indicated is how do we want to replace that at the end of the day. So the purpose is not to stop spending the money that is currently allocated through this process, it's simply to find the different process to be able to do that.

And we have not necessarily indicated what the alternative would be. This is a relatively cumbersome and demanding processing today. The intent would be simply that we could find ways to integrate the activities that are currently managed and funded through this process in the base budget of ICANN and actually increasing the flexibility and lowering the amount of workload that is on the shoulders of the organizations that use this process, as well as the staff. It's very demanding process today. So it's not about stopping the spend, it's about having an easier process to handle it in the same fashion.

Ed Morris: Thank you.

Xavier Calvez: No problem. And sorry just to conclude on that, the day we would want to terminate it would be once we have collectively determined that there is an alternative way to handle it adequately.

Rafik Dammak: Okay. Thanks, Xavier. I think if we have more questions we can collect them and send them to you and Carole.

Xavier Calvez: With pleasure.

Rafik Dammak: So thanks.

Xavier Calvez: Thank you for your time and the invitation.

Rafik Dammak: Thank you.

Carole Cornell: Thanks, everyone.

Rafik Dammak: Thanks. We are moving to our next guest. I'm sorry for the delay. We are moving from French to another French leader. Yes, I'm talking about you Stephane. So we'll try to use the ten minutes, the next ten minutes, because after we have to go to the board. Sorry for the delay.

Stephane Van Gelder: Thanks very much, Rafik. My name is Stephane Van Gelder, I'm the Chair of the Nominating Committee. I'm here with the Chair-Elect for 2015 which is Ron Andruff, sitting there. Next to him Cheryl Langdon-Orr, the Associate Chair, last year's Chair.

We just wanted to touch base with you, let you know what we're doing currently and hopefully get your help in doing some outreach and helping us whilst we're in the middle of our application period to get some more applicants, quality applicants, we hope.

So we have a short presentation. I don't know who's managing the slides, maybe it's (Milton). I just wanted to see if (Milton) was awake. He's ignoring me. So just to let you know who we are looking for. This year we're looking to fill three positions on the board, three positions on ALAC, one from Africa, one from Asia-Pac, on from Latin America, two of the voting NCAs on the council, and one ccNSO council.

Next slide, please. I just wanted to also give you a quick look at the current makeup of the board, if you can just scroll up a tiny bit more. Thank you very much. Maybe a tiny bit. Whatever.

So as you can see, I'll just draw your attention to Asia Pacific because we have five people on the board from that region, and that means that this year's NomCom is not able to recruit anyone from Asia-Pac to the board this year. But there are regions, as you can see, that are currently underserved: North America, Africa, Latin America, there's still one seat available in Europe. The bylaws stipulate the that the NomCom cannot exceed five members of the board from the same region, and there has to be at least one.

Next slide, please. So that's our timeline. We're working to that right now. So the important thing to note here is that we're currently still in the recruitment phase. We're calling for people to apply. That will end in mid-March, and we're hoping that you'll help us get some quality candidates into the process. We'll then go into the assessment phase, which will end in Buenos Aires with a selection meeting, and we will then be ready to announce that in time for the Dublin meeting at the end of the year.

Next slide, please. And that's a snapshot of where we are right now. So we thought that'd be interesting for you to see. This is the number of the people that have sent in requests for applications. That doesn't mean that they've completed the application process, but that's our pipeline for the moment. As you can see, we have 43 people who've made the board their first choice.

Eleven people have made the GNSO their first choice. The ccNSO has received eight applications as first choice, and ALAC 15.

There are a number of choices, and the reason for that is that we may get someone has applied for the board for example that although we might feel that they don't quite make the grade for the board for whatever reason, they might be suitable candidates for something else like the GNSO. But unless they've actually selected that, ticked that box so that we are able to consider them for the GNSO because they've requested that as second choice, we can't do so.

So in your outreach or anything that you want to talk about, socialize the NomCom's work in your networks, I would ask that you look at two things. First of all, it's not only the board. As you can see, we're a bit short on ccNSO, ALAC, and GNSO candidates for now, and those are valued positions as well, so please help us fill them.

And also do remind people that they can pick several boxes, and that's actually helpful. It's helpful to them, because it's more - it's a bigger opportunity for them to be able to be selected and it's also helpful for the community, because a lot of the people that get selected to these other positions do then buildup experience and are able to serve as more experienced members of the community, one example being someone that was selected to ALAC by the NomCom and has now been selected by ALAC to sit on the board.

So there's experience building up there, and those are positions are very much, in my mind, they're not second choices, they're equal choices. And people should look at the four positions equally.

That's it. The next slide has some links. I'll just ask my co-leaders if they want to say anything and then take any questions you might have. Thanks.

Ron Andruff: Thanks, Stephane. Ron Andruff for the record. It's a pleasure to see a lot of
faces that I saw at the intersessional recently, and it's nice to see you all
here. So thank you for taking the time to listen to us.

I just wanted to underscore a couple of things. Stephane pointed to the fact
that Asia Pacific board, the five positions are there and taken, but that does
not mean that people from Asia Pacific should be ignored. We look to you to
kind of look to your rolodexes, the people you know in different parts of the
world, but particularly Africa, Latin America, where obviously there's lots of
spaces.

But if I talk about Asia Pacific, there could be people who are board candidate
material in this region that can't sit on the board but could very well serve on
the GNSO council or the ccNSO council. And the reason I bring that to your
attention is because the terms are three years, and what ends up happening
is these individuals, often with fresh eyes and (unintelligible) as we all are,
come to ICANN and it takes them a year just to kind of understand what's
going on. And the second year they're starting to get their wings. And by the
third year, they're really good board members with one year left on their term.

So we need them to hit the road running. So if we can bring in board-quality
candidates and put them into ccNSO, GNSO, ALAC and so forth, that
leadership raises the tide and raises the dialogue on those levels, and then if
that individual is so inclined and likes what they're seeing and hearing in this
ICANN community, then they should resubmit for the board and join the
board, we know that they're going to be really effective board members.

So there's a method to the madness, and so that's one point I wanted to
bring. The second point is if I don't get myself in any trouble this year, I would
be effectively the chair of the NomCom for 2016, so I take the view that we
need to look at the - all of this very holistically for the next three years,
because there's a number of changes happening. There's a number of board
members that are stepping off. We've got Steve Crocker's term finishes in

2017. Fadi Chehadé has got a contract till 2017. We're in transition, and we're on the edge of 2016.

So lots are - a lot of changes here. So really give consideration to these kinds of things and reach out if you can. We'd love to see the numbers get really high so our nominating committee members have really hard work on their hands to make good selections and pick the best. So thank you for giving that some consideration.

Cheryl Langdon-Orr: Very briefly. Cheryl Langdon-Orr for any transcript record. Any my fellow leadership team here keeps stealing the bits I say in other things. They're being very mean. So I will correct the chair for the record, because what he did say was that the NomCom was limited to five out of any geographic region. In fact the board is limited to no less than one and no more than five.

So it doesn't matter whether these appointees are coming from Nominating Committee, the GNSO or ccNSO or indeed the ALAC appointment. There's a limitation. So just for the record. Thanks for taking the all the other good things I've said all day. I wanted to say that.

The only other thing I wanted to very briefly point is the importance of even though you think the numbers you've seen today are good, we can only select from the puddle we have. So we do actually need larger numbers to deal with each year, or at least as many quality candidates as we can get each year, not expeditiously growing in numbers obviously. Because we have to be able to have the high standard across all of the positions we're trying to fill, but also they need to fit particular criteria, which from year to year changes.

So for example, just to finish on one example, the ccNSO year, one year when we asked them what they wanted, they wanted someone with legal drafting skills. So that's what we gave them. So there's a lot of this sort of and

the exact fit is, so encouraging of people if they're been not been successful before, please encourage them to put themselves in again.

Stephane Van Gelder: If I could just - thank you. Just to highlight what - Cheryl's just given us a perfect example of I think the quality of succession leadership on the NomCom, which is something that the rest of the community might look at, because as you know, I was chair at ALAC last year so I was there to learn under her leadership, and Ron is doing the same thing this year under my leadership.

And Cheryl as past chair, last year's chair, is there to help me with that extra experience that she's built up, and that's what she's just done. So I think that's also something that, you know, as we look for leaders outside in the rest of the community and good methodologies for leadership succession planning in the rest of the community, I think the NomCom there is at the forefront of trying new experiments and making them work. Thanks.

Rafik Dammak: Thanks, Stephane, Ron and Cheryl. Good presentation about the NomCom. So as a former NomCom present for NCUC I'm still learning. Okay so we have - now we have to run to the board meeting, but let's take one or two minutes just to take some questions or input from those here if they wanted to ask something, or even Brenden if you want to add as the NCUC representative to NomCom.

Brenden Kuerbis: No question, but I just did want to identify myself for those -- I think everyone knows that I am the NCUC representative for the NomCom. I have my red lanyard, right. So if you do have questions or you have connections to people and they have questions, feel free to contact me either in person or online.

Woman: I just have a question. I'm not sure exactly whether it applies because I don't know what are the real numbers, but I wonder about gender balance and whether you have some concerns or share my concerns in this respect.

Stephane Van Gelder: Concerns. I don't think we have concerns. We look at all sorts of balances, but when we recruit we put the quality of the candidate first.

Cheryl Langdon-Orr: Which means of course we need more worthy women, and more cultural diversity, and more geo diversity, and more language diversity, and more economic station diversity to pick from.

Rafik Dammak: More diversity. Okay. So Ron, do you want to add something?

(Benjamin):   (Benjamin) from NCUC. Now with what you just said, the diversity and all of that, I was just considering why would you just have two persons from Africa region when there's so much diversity and all of that? That's my question. Is there any reason for just two reps?

Cheryl Langdon-Orr: Because it is a meritocracy.

Ron Andruff: And I'll just add to what (unintelligible) said. We're talking - we're here to you asking for you to please reach out and get more people involved. So one of the problems that we have -- I was a member of the NomCom for a couple of years and now I'm chair-elect -- is that when we - when it comes to selection of board members, if we only have three representatives from Africa and we have 25 representatives from Europe and ten representatives from Asia, that means there's 35 representatives for the rest of the world and only such a small number.

If we had 30 representatives from Africa, that would be awesome because then we would be really be able to put those people in place. If we don't - that's what we're saying. So please reach out to your regions. Any one that you think would be qualified and the most important interest is public interest.

The second thing I wanted to share...

Stephane Van Gelder: Ron, I don't want to cut you off but we're actually late for another presentation.

((Crosstalk))

Ron Andruff: One thing that we're receiving from all of the other sending organizations is criteria. So if there are specific criteria that you would like to see, please send it to us, because that would be very helpful to get your input as to what you think you would like to see. Thank you very much.

Rafik Dammak: Thanks, Ron. And I think we'll do that. Sorry, we have to run. Yes, run, run, run. Run, Forrest, run. So the next room is (Badung) I think with the board, so please be on time. And please stop the recording. Thanks.

Woman: Thanks, Rafik.

END