

ICANN
Transcription ICANN Hyderabad
New gTLD Auction Proceeds Cross-Community Working Group
Tuesday, 08 November 2016 at 17:00 IST

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

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Jonathan Robinson: Welcome everyone, I'm sorry again that we're starting a few minutes late.

Welcome to our session on the new gTLD auction process and the charter that has been proposed by the drafting team for a cross community working group on the subject. You've got myself presenting, Jonathan Robinson, who chaired the drafting team from the GNSO. And I'm joined by colleague and companion, Alan Greenberg, from ALAC.

So and I know there's a few members of the drafting team here, maybe if anyone is here from the drafting team you could raise your hand. I know (unintelligible) from ICANN Legal, (Vicki Ber) from ICANN Board has joined us recently, although she wasn't here for the course of it, and Asher (unintelligible) was also on our team as a board liaison. Oh and Erica Mann who was with us through the course of - are you in the room Erica or are you

in the virtual room? I think you're in the virtual room so it's good to have you here.

Okay so let's go on to the slides and the next slide. So this - where we are now, goes back around 18 months or so, a year and a half ago. And the initial sort of commencement of the process was that there was a long standing recognition in that you can trace it back to the work in the applicant guidebook. That there was the likely accrual of these funds. I can withhold them in a separate and identified location. And that there was something to be done about this in due course.

So in back in March 2015, Jennifer reached out and communicated with the broader community to discuss a possible BCWG. And we kicked off the whole process at ICANN 53 without a so called high interest session and a community workshop. So we ran two sessions back in June 2015. The high interest session was a complete community wide big call type session. And we ran a slightly smaller session in the workshop, where we heard from I recall three different TC TLD operators who themselves had generated excess funds. So a slightly different origin of the funds, but nevertheless had used those two in a sort of broader public interest way. And we heard some of the issues that they faced.

That was pulled together primarily from the high interest session was pulled together into soft discussion paper. And that was subject to around a public comment. The public comment took place and was recorded in the revised version of that document, which was then set into a drafting team that commenced work in around February of this year 2016. And the purpose of that drafting team was to clearly develop the work that you'll see before you today. And that has actually been put before the charting organizations themselves.

Moving forward to June, we distributed a proposed charter for public and cross community comment at the (Health Thinking) meeting ICANN 56. And

we have a good session there. It was an enjoyable session that was took quite some feedback. And we then refined the charter further on the back of that feedback. And finally then we then sent a revised updated proposed charter and to the charter organizations, to essentially check if they had any substantial feedback that would in a sense prohibit them from approving the charter.

I think that's - I mean it's a bit of a technical point and it's not strictly on topic. It's more of a process point that it's a very useful way of sending it out to the different chartering organizations and making sure that you aren't going to -- you, we, the drafting team, and the community -- end up with a document that's approved by one segment of the community, by one of the chartering organizations one or more, and not approved by others. So that seemed to have worked and we've seen the charter now considered by more than one of the chartering organizations and the approvals are starting to come in. So if we could have the next slide please.

So essentially this summarizes, we have substantive community discussion covered in one. We took the comments, the proposed charter was then revised and developed. And the subject of extensive discussion, and in fact compromised along the way. We've had item four which I talked with you about the request to identify any key or pertinent issues following that cycle. Finally sending that out to these SOs and ACs that have had the opportunity to consider it in step six of this meeting.

Let me say that this is a small meeting, there's not many of us here. If anyone has a question as we go through things of myself or Alan, or simply wants to make a remark. Please feel free to make yourself known and come up to the table to one of the mics or the mic up at the front, and in any event we'll have a Q & A session or discussion session at the end.

So next slide please. So the feedback we got was that the various groups were either ready to adopt them, gave a specific date. So those are your

chartering organizations for reference. Address supporting organization, ALAC, ccNSO, GNSO, and Security and Stability Advisory Committee.
Excuse me.

Paul Wilson: Sorry, it's Paul Wilson. Is that a list of chartering organizations? I'm just to be clear on what you said.

Jonathan Robinson: It's a list of potential ones.

Paul Wilson: Okay, I thought you might have referred to them as a list of chartering organizations, but they're not necessarily.

Jonathan Robinson: To the extent that they will become, to the extent that they ratify the charter.

Paul Wilson: All right. Thanks.

Becky Burr: This ccNSO council passed the - adopted the charter yesterday.

Jonathan Robinson: Thanks Becky, and I guess on a technical point with the ccNSO, initially I think the ccNSO had some reticence to participate based on a perception that this was gTLD derived funding. And the cc's had that initial reticence. They having seen the charter and they subsequently -- and I'm not sure of the exact sequence of events, but -- pleasing in my view agrees to come on board and Beck go ahead.

Becky Burr: Chris and I suggested that they want to - that they should look at the charter and that they had some expertise to bring to (unintelligible) table, and so it was reconsidered in the last couple of weeks.

Jonathan Robinson: Thanks Becky. Which indeed they did, and that why we had the cc's contributing to that initial workshop when kicked the whole process off. So that's good to see. I mean this really has the prospect of being - funds available for also to potential areas and so the broader the input and

evaluation of the mechanisms, which is the work of this group. This proposed group, will - better it is.

So let's get to the charter and make sure - I mean essentially what I'll go through is what the charter covers, and make sure that it's very clear what the limits are not are. So if I could have next slide please, slide five. We have a framework for this kind of thing now, for cross community working group work. And that was setup and prepared both through the systematic work of the group that set out the framework for cross-community working groups. And indeed our extensive experience that's taken place with recent major cross community working groups.

So you've got as you might expect, a problem statement, membership staffing and organization, deliverables and reporting, and rules of engagement. So let's go and have a little look at each of those in some detail without necessarily going into it in unnecessary detail, try and talk you through some of the key areas there.

So if we could go to the next slide, which will then and we can go into some detail on the problem statement goals, objectives, and scope. But I guess this the real meat, but we can look at the others as well in some detail. Now let's make this really clear at this point, I think the ccWG that will be commissioned on the back of this charter. It will be task or is being tasked that developing proposals for a mechanism to be developed in order to allocate (unintelligible) process.

I think there is clearly given the potential sums involved and the (marriot) potential deployment of those funds, there is quite some interest in how do community members and well-meaning organizations get to access these funds. We had the charting drafting team - the charter drafting team produced the charter. That's what you're hearing about now. We will very shortly, providing we get the support of the chartering organizations commission the working group. The working group will work then to deal with these various

areas, and ultimately produce a mechanism or process to then deal with the allocation of funds.

So we quite some time away - it's difficult for me from where I stand as a chair of the drafting team to predict that time. But I wouldn't expect that mechanism or process to be set up in anything less than 12 months. And realistically it may be longer than that, 12-24 months. So that's my best guesstimate at this stage, it really is. I guess but to give you a feel for when we as a community might expect to be in a position to start to be dealing with the application for and ultimately allocation of funds.

So the ccWG will also be expected to consider the scope of fund allocation, and in particular the necessary conditions to preserve ICANN's tax basis. We had both within the drafting team, not only did we have representors of a different chartering organizations, but we had two ICANN board liaisons, as well as assistance and input from ICANN legal. And there was some key issues that we dealt with there, and those include the points highlighted on the screen here. Preserving ICANN's tax basis, being cognizant at all times of the potential for actual or potential conflict of interest. And then there's your third bullet point which clearly captures the point that this ccWG commissioned by this draft - by the work of this drafting team, will not make recommendations or determinations with regard to specific funding.

Let's go on then to look at the principals of the group. Next slide please, yes. So here we have some key principles ensuring transparency and openness, the kind of thing you'd expect; efficient accountability, lean and effective procedures. So all of these principles will be reference points for the work of that - for the working group. A strong position on taking appropriate measures to deal with conflict of interest, there's clearly money involved and substantial sums of money potentially involved. And so therefore, one of the key things that we hashed out in this drafting team, was the prospect of a harms disclosure as part of the ccWG process. In other words, we will expect people to be very clear about their interest, and potential interest in these funds and

working with any prospective applicants for these funds as when they participate in the work of the working group.

It was a strong feeling that we should make sure that we dealt with diversity issues. And all of it (marmot) manifestations. And in order to both strive for a fair and a just distribution of the auction process, as it was not inconsistent with ICANN's mission, but also to ensure diversity of participants, members, of the ccWG itself.

Next slide please, and here we recognize that there are some very specific legal and fiduciary constraints on this kind of group. This money has come into ICANN by virtue of an ICANN process. It sits underneath, notwithstanding the fact that the community will work on proposals for a mechanism. And the board as I've talked in a little more detail, has given some assurance of its willingness to work with the output of the community group. Nevertheless, any output has to be not inconsistent with ICANN's mission and make sure that the ccWG is expected to make recommendations on the extent to which the user processes are aligned with ICANN's mission. And that ICANN will maintain ultimate responsibility for confirmation or disbursements.

Clearly, as we said the (unintelligible) mustn't endanger, I can (unintelligible) and we need this specifically high standards when dealing with conflicts of interest. Comment Alan?

Alan Greenberg: One of the things worth highlighting is the issue of conflict of interest. There was a fair amount of discussion within the drafting team on it. There were suggestions along the way for instance, that no one who could conceivably in the future want to utilize the money or want to make applications could participate. It's pretty hard to tell what you're going to do in the future. And moreover, we would have to explicitly forbid anyone from participating in the ccWG if they were in the kind of business, or had very strong plans to utilize the funds or apply for them.

We decided ultimately that that would go against the ICANN tradition and standards of having membership and participation in the ccWG open to anyone. That is if there was a guard at the door saying if you come here, you know, you'll never be able to use the money or be associated with an organization that did. And we decided that was going to be very difficult to enforce, and certainly against the culture of the organization. So instead we're suggesting very strong disclosure, with the understanding that yes you may be suggesting things in the ccWG which will ultimately help you later on. But you put it on the table ahead of time.

And that's not different from you know, contracting parties participating in the gNSO for instance. You know, your conflict is well understood, but given that you're allowed to participate in the discussion. Thank you.

Jonathan Robinson: Thanks Alan. That's a helpful sort of illustration of that key area. We went further in that we would expect some form of enhanced disclosure and that is recognition from any parties participating in the working group, they will need to declare whether or not they have an interest in ultimately working with an applicant for the funds. So there's a detail on the memo, on the legal and fiduciary constraints that's linked to here if you have a greater level of interest in that.

Paul Wilson: Show that.

Jonathan Robinson: Yes, sorry Paul go.

Paul Wilson: Sorry, it's Paul again. Is it possible just to go back to that previous point about the conflict of interest. What you're referring to the enhanced disclosure being required or ready for those who are participating already? Or are you just talking about that being required for sorry the next stage?

Jonathan Robinson: Thanks that's a good question. And we began to talk amongst our ourselves and then you highlight that well of essentially three different levels to this process. What we're talking about here is level one, the drafting team. Clearly level two will be the working group. And level three will be the process or mechanism that deals with the disbursement. And essentially there were constraints relating to conflict of interest at level one in the drafting team.

There will be constraints at level two in the sense that disclosure of a standard statement of interest that we expect that the ccWG will have a standard form of statement of interest. And within that statement of interest there is an enhanced disclosure over and above what might normally be seen in say a gNSO, PDP working group. And that we will expect participants and members to disclose they're prospective role in working with an applicant. So if they have any sense or plan, or current plan, to work as an applicant for funds, we will expect them to declare that upfront.

Then finally, when we do have mechanismal (sic) process which is yet to be defined, we will expect extremely high standards at level three. Because at that point you're actually handling the money and allocating it out. So that's really the way it works. And thanks for fleshing that out by your question.

All right, so let's go onto the scope because that's really this defines what the drafting team is asking the working group to do, so slide ten please. And so here are a series of questions, I think that it's in quite some detail on here. I'm not sure it helps you or us to read through them. But it really focuses on some key areas. The framework that we've talked about, what framework needs to be in place for disbursement of the gTLD auction process. What are the limitations or constraints on that? What safeguards need to be put in place? What are the legal and fiduciary constraints as we discussed before? Is there a timeframe involved? This is important because timeframe has at least a couple of things that we considered within the drafting team. You know, this is a finite pool of funds. So therefore is it available for application for a finite time? And how do we manage timeframes around that?

Conflict of interest provisions we've discussed in some detail already. Are there any priorities or preference given to organizations from say developing economies? Or working with projects to be implemented in developing economy regions or dealing with underrepresented groups? Let's go onto the next slide. Should this be handled within the ICANN structures and should ICANN oversee the facilitation, evaluation of funds? Or should we be working with a third party entity? I understand although I'm no expert on this that there are either existing entities who may well be available to sort of manage this kind of process in an outsource management.

What level of overhead is tolerable? Should there be a level of overhead to constrain? It's clear that certain things wouldn't be acceptable. You wouldn't want, you know, half the funds to be used up by way of extreme example in administering the disbursement of those funds. What's acceptable? Is it 5%? Is it 3%? What's the norm? So there will need to be some research and understanding of what's acceptable there. And in these it might lead to the consideration of whether or not the management of this is in some way outsourced.

Here's an interesting one, number ten you may be interested in. To what extent can ICANN or a constituent part of ICANN be a beneficiary of some of the auction funds? Is this all intended to go outside into the much broader community? Or is it possible that there's a basis on which ICANN, however you define that, could be a beneficiary or an applicant and potential beneficiary of some of the funds.

And then 11, what sort of - should there be any sort of review mechanism put in place and does the framework setup need to be adapted? Both in some way to deal with how rigid should this be? Or should have some form of adaptability in order to accommodate - it says here for example, changes to legal and fiduciary climates. Which would be a necessary adaption would be in a sense a forced adaption. Go ahead.

Alan Greenberg: Just one minor comment, the word in number ten, organization was done before our CEO decided that that word had very special meaning in our context. That is being the staff and employees, but not the wire organization. So maybe we want to take off the capitalization of it.

Jonathan Robinson: That's a good point Alan, but in sense that ICANN the organization has previously or currently defined the questions remains, right? Because I mean let's give an example. We have heard - I mean this is potentially controversial, but there is some sense that ICANN would like it - ICANN's reserve funds by one argument depleted. They are no longer sufficient to cover one year's operating expenses. Would the working group in defining the mechanism, would that be a tolerable application and potential use? To top off ICANN reserve funds. I think the question is reasonable. The answer may be controversial. And I look forward to the working group dealing with that topic and many others.

Alan Greenberg: Just talking before this meeting someone came up with another suggestion which I happen to think has great merit. ICANN will be 20 years old soon. People who started it will start dying off. Maybe we want to have a project to document the history of ICANN. Not something we really want to do with our internal funds. But it's something we really don't want to lose as time progresses. It just came up today and you know, I pick off that one is someone asked me about it. So there's all sorts of interesting things, I think that might focus on the organization itself and not just outside (unintelligible).

Jonathan Robinson: I've heard it said that the best form of documentation for ICANN would be in form of opera. And that could be a fairly expensive exercise I suppose. Well I did for a moment. I thought Alan was going to suggest that the auction funds be used to fund the party to celebrate the 20 years. I'm glad it was - I'm glad he didn't go that far. I hadn't thought of that. All right. Let's move on then to item - Slide 12, please, which is where we go on to discuss the deliverables and reporting.

So here you can imagine the mechanics. We will expect the cross community working group to develop a work plan and consistent with, I think it was Steve Crocker suggested in one of the meetings I was in earlier, we need to make sure we name these groups consistently so this will be something like CCWG auction proceeds.

And the idea will be that this cross community working group will need to develop a work plan, send out a schedule of activities upfront and work towards the production of an initial report which will then be available for public comment, ultimately having gone through that public comment cycle to work towards a final report.

Now, I sort of raced through those first three points. As I said to you in the outset of the opening remarks, these first three points could take - I find it hard to believe, with both the scope of the work and the availability and reserve energy of the volunteer pool that we're likely to plow through this and less than around the year.

But that's the kind of work - those are the key work items that need to be dealt with and then ultimately, it will go through the board for consideration once - sorry, the board will be in a position to consider the report once it's been adopted by the chartering organizations.

And this order looks a little wrong actually. I'm not quite sure I'm comfortable with this order. So we've got the final report. The report goes to the chartering organization.

Then it's reviewed by the board and - okay, I guess the reporting - the reporting runs through the process. It's not necessarily sequential. The reporting runs through the process.

All right, let's talk a little bit about who can participate here, what's the membership, staffing and organization of this group will be. So going onto Slide 15 then, we've taken - sort of a (received) template and we're asking each chartering organization to appoint a minimum of two people, so there will be at least two people that can represent, which (one's) hopeful, there'll be at least one in every meeting, and a maximum of five members.

And those members that are appointed should have - meet ideally a set of key qualifications. We want them to be motivated, ideally caring some relevant expertise, committed to actively participate, a willingness to solicit and communicate - you know, in other words two-way communication with their respective chartering organizations.

A commitment to obviously abide by the charter, understanding the needs of the (inset) communities that ICANN serves and understand the broader ecosystem so - because there's no sense that - yes, needs to be - have as brought a possible all look as reasonable.

So in addition to those numbers, the CWG will be open to any interested person as a participant as well as observers. Let's be clear what the difference between these different categories are.

We were - going back to the conflict of interest point, we will expect members and participants, in other words does that expect to contribute, to conform with the conflict of interest requirements.

In the event that - in the, I would say like the event that some form of voting is required, the members will be able to vote on behalf of the chartering organizations.

In the recent history of the cross community working groups, we haven't seen key decisions being put to vote. The overarching principle will be to attempt to work out the key aspects by consensus.

And to that extent, there will be no discernible difference between the members and the participants. The observers will have less of a higher bearing - high standard to meet in terms of conflict of interest but they will be restricted from participating. They are, as per the definition, simply observing the proceeds.

We've talked about the mandatory disclosures previously and we're expecting and, indeed, welcome the ICANN board liaisons and we will expect participation and engagement from those liaisons as we've had in the drafting team.

I think that covers it reasonably well. All right, let's go on to the rules of engagement and the key decision-making. So I guess I touched on this a moment ago.

The CWG will seek (to act) by consensus and there's a little more detail on how that consensus - the reasonable efforts to involve the chartering organizations.

The chartering organization are appointed members of the CCWG and we define here are two types of consensus - full consensus and consensus where - which covers the position where a small minority disagrees but both - but most of agree.

Going on then to Slide 18, you can see the process laid out as we take it through the decision-making process, the submission of the final output to the chartering organizations, the consideration, the prospective adoption by the ICANN board.

And here's it's important that the board has given some commitments to the drafting team and through that to the working group that it will give due

consideration to the final output and, indeed, will enter into dialogue with the group if it feels unable, for some reason, to accept the final output.

And in particular, where the board's fiduciary responsibilities or legal obligations are impacted or, indeed, other obligations under the bylaws or related articles.

So clearly the board is - has expressed - and given good direction of its willingness to accept the output subject to those constraints. Then on Slide 19, we can cover the expected first steps as - sorry, accept the next steps as the ICANN SO and ACs, the chartering organizations, consider the charter for adoption.

We expect to conclude that process and shortly thereafter, launched the call for volunteers and then move on to the first meeting of the CWG. It's not clear to me at this stage whether we'll get through that and call a first meeting of the group this year.

I expect we might put together the volunteers during the remainder of the course of this calendar year and we may or may not be able to pull together the working group during the course of this calendar year.

So all of the information is available to you via the links on these slides. I hope that - I tried to go through it at a reasonable pace so we didn't drag you through the fine detail but give you a sense of where we've come from, what the key issues are, the scope.

And in the end, just to remind you and go back to that three-step process, the drafting team is meant to be a light touch process where we do reasonable efforts to scope the work of the working group without actually doing the work of the working group.

And it was something we had to continually remind ourselves as we worked through the work. You don't want to charter a working group that feels in some way that it's - that it isn't sufficiently constrained.

On the other hand, you don't want to make - to attempt to do the work of the working group because they simply weren't a large enough or representative enough group to undertake the substantial work and nor was that the intent of the drafting team.

So thank you for your attention. We've covered that in around 30, 35 minutes. I know we've had a couple of questions and remarks. If there are any - no question is too small or too simple.

If anyone has a question or comment for input, we would very much welcome hearing it and thank you for attending the session so far. So any other comments, questions or input? Edmon, please go ahead.

Edmon Chung: Edmon Chung here. I have two questions. In terms of the scope of the working group, I mean, the intended scope of the working group, whether these are within or not, one of which are see a note on - all disbursements of funds need somehow - indicates that he goes back to the ICANN board liaison.

I - my question is whether it is within or without, you know, beyond the scope that, to imagine a situation where the lump of funds is transferred to a separate entity or situation and needs to be managed as such.

This is one of - one question is that, within or beyond the scope. The next - the other question in terms of scope is, once the - it's adopted by the board, is there consideration about implementation review teams?

I know GNSO now has that process of the IRT. Is this group to turn its own implementation review team process, you know, or is it - you know, how do you envision that particular part?

Alan Greenberg: In terms of the disbursement of funds, the board is ultimately responsible to make sure that ICANN's tax status and I can't charitable status is preserved. Whether it does that by actually actively getting involved as the rubber stamp to say, okay, or whether it puts in place contracts with some external foundation to do it, hopefully we've worded the charter so that either of those is allowed.

Certainly either is (in addition). So on - yes, on that side, if we blew it, someone will tell us but hopefully with allowed any of those processes to go forward.

Jonathan Robinson: I think that covers it will. (Sam), is there anything you wanted to add to that? I mean, I think that covers it.

Sam Eisner: This is Sam Eisner from ICANN legal. I think Alan covered it well. There is - from the wherever the charter and I was participating in the charter drafting team, there's no prohibition on doing that sort of transfer.

Their ultimately would have to be some sort of program set up so that ICANN could ensure compliance over it but that could be done, you know, through auditing of, you know, financials or something.

Or so there would be some level of reporting back but it would necessarily be in every single payment would have to go through an approval process with the ICANN board.

Man: And your second half was?

Edmon Chung: So the second half of the question - the second question was the implementation review team or that kind of a concept because we said the policy and then there's an implementation process. Do we envision this group or some group be formed to see through that process? And is it this group to define that particular process forward?

Jonathan Robinson: Thanks, Edmon. It's Jonathan speaking. That's - the way we face it is we said the CCWG is not expected to play any role in the implementation of its recommendations. But it may provide implementation guidance as part of its final report. So we've left that open for the group to do.

And in addition, we've also said that should it be recommended by the CCWG and/or the chartering organizations that a dedicated IRT, implementation review team, is created to support the implementation of the recommendations and to ensure that these are implemented in a way that they conform with the intent of the recommendations such an IRT is to be created following the adoption by the board or the recommendations.

So there's wording to cover that implementation cycle. So thanks for those two questions. I've got one from the floor and then I'll come to (yourself).

Mark McFadden: Hi, Mark McFadden from the ISP. The previous public meetings, Jonathan, one of the conversations that come up with the idea of setting aside the money in trust and then using the proceeds of the money, for instance, from investments as the source of the money for the program so that the actual lifetime of the program could be much longer rather than using up all of the money at one time, right, and a series of sequential awards, right.

And I was wondering whether the charter - the current charter had taken a position on that or if it had left that to the CCWG as an implementation detail?

Jonathan Robinson: Thanks, Mark. My opinion is that that's left to the CWG. In today's environment, getting an income out of anything is difficult, so notwithstanding

that broader environmental constraint, I think the intention is that the process or mechanism is to be defined, yes.

Mark McFadden: Okay, thanks.

Alan Greenberg: It's worth noting as a follow-on to that, currently the money is being invested very conservatively to make sure the capital isn't impacted which really set the very low rate of return.

It would be hard to imagine that any plan that comes out of the CCWG wouldn't - you were to invest in a high enough rate do what you are suggesting, there's probably a pretty high risk involved and it's not clear we would take that on.

Jonathan Robinson: Thanks, Alan. I'm sure Mark - Mark, it sounds like you'd like - would you like to follow them directly with that?

Mark McFadden: Well, I would never argue with Alan, but actually not necessarily, Alan, right? Even 1% of \$300 million is - could result in significant award. So I would challenge the idea that, even a conservative approach is not going to give this particular fund the ability to do really dramatic things over a long period of time.

I think there's an important thing to do, and Jonathan, I'm very glad that - I'm sort of glad that the charter doesn't actually express an opinion here but I think this is an important policy decision for the community, right, that you have a chunk of money.

Do you spend it all at once, right, or do you try to preserve it so that you can actually use it as a source of good over time? I think that the conversation that the community should have.

I certainly have an opinion on it but - and even with Alan's point, I think that, even with very, very conservative investments in the current economic environment, you could still have a dramatic effect over a long period of time. Thanks, Alan.

Alan Greenberg: I will add, in the previous consultations, there have been people who stood up and said we have to dispense of the money in a finite amount of time and get rid of it, so multiple ideas.

Jonathan Robinson: Okay, thanks, Mark. Paul, you had a question.

Paul Wilson: A few linked questions. One is - immediately follows up from Edmon who asked the question that I was going to start with that, you know, the question is whether - if the board is responsible for the disbursement of funds, can that disbursement be, in fact, in one disbursement to an endowment, as Mark mentioned, or to another body was selected to actually take full responsibility for management of the fund.

Jonathan Robinson: Go ahead, Sam.

Sam Eisner: Thanks. This is Sam Eisner again. Paul, I think that that's exactly one of the intended outcomes - or one of the intended possible outcomes, that however you look at disbursement, disbursement could be one large disbursement to an identified source that will be trusted to handle it in a certain way. Or it could be an in-house managed concept, whichever way the community sees it going.

Paul Wilson: Right. (Even ex) capital reserve is managed very carefully but in a very structured way and it achieves about 5% at the moment. So as Mark said, you know, a few percent of a large sum of money can still be worthwhile.

And I guess, if there was a disbursement through another fund, another body in (one go), then it would solve that issue that Alan mentioned or that demand

that the money should be disbursed because, like, it should be satisfied by that, one would have thought. Obviously...

((Crosstalk))

Jonathan Robinson: Sam had a follow-up response and then we can go to the next point, Paul.

Sam Eisner: And I think that this really is a lot of the conversations that will need to happen within the working group itself. But we do need to keep - and one of the - and some of the items that are actually within the charter talk about what sort of governance policy needs to happen over that to make sure that the funds, even if there's a large disbursement, to make sure that that is managed consistent with the purpose of that disbursement over time.

So ICANN could just say here's \$250 million. Go do with it what you will. ICANN still has responsibility to make sure that whoever that chunk goes to manages it to the communities expectations.

Paul Wilson: It seems to be naturally very difficult that if ICANN's responsible for individual disbursements at a granular level, then I can could not possibly be the recipients of those funds, for instance, in the case of needing (top ups).

But that leads to my second question which is, I mean, ICANN, I would think, should have business continuity and backup and contingency plans for the event that it needs top up, that it finds itself in financial trouble anyway.

And so I mean I would hope that that plan didn't rely on the - that plan should exist in the absence of these funds anyway. And I just wonder whether those things really should be linked, that I mean ICANN, is responsible organization, should have those plans in place at some point and to sort of link...

Jonathan Robinson: That's a good question, Paul, and I mean, in some ways, it was - well, there's a question in the charter that says should ICANN, the organization, be able to apply for funds?

I made a slightly - perhaps a slightly provocative remark, instead of saying, well, that might be this example, but this is clearly the substantive work of working groups.

((Crosstalk))

Jonathan Robinson: That's what has to be (unintelligible). What is reasonable? What's acceptable? What's desirable? And if you think about it, you know, but there are so many angles, you know, is the community at large might be interested in security and stability as an overarching priority.

And if there was a security and stability issue, you may argue and say, well, that's within ICANN's core (remit). ICANN's got to sort that out. But there may be a change environment which says - so it's - but again, this is the substantive work of the working group rather than (now).

So it's good food for thought. And I should note that (Erica) made a comment. (Erica) was our board liaison, one of our two board liaisons with (Asha) on the drafting team.

And (Erica) makes the point that it simply isn't clear yet how the future structure, whether it is indeed, a foundation or something else will be set up. And that's the important work of the working group. So (Asha), go ahead.

Asha Hemrajani Thank you. So my name is Asha Hemrajani and as Jonathan had indicated, I was one of - I am one of the two board liaisons for this draft - charter drafting team. So I wanted to echo what you said earlier, Jonathan, about - in response to Paul's question.

We really should not be overstepping the boundary and trying to, at this stage, discuss what the CCWG should or will or will not do in terms of determining the processes because they may end up determining or may - with the processes they come up with, it may allow for the possibility of using the funds for topping off the reserve fund.

This really - I want to emphasize this is really for the community to decide. So, you know, I certainly believe from a personal perspective that ICANN's continuity is very important.

So I don't see this as a conflict of interest. This is my own personal opinion but again, I want to emphasize, this is something that the CCWG should be working on. Thank you.

Jonathan Robinson: Yes, thanks, (Asha) and I suppose in one sense, a picture because I sensed that it was something like that would be potentially sort of a controversial example but nevertheless it's a meaty example.

It's something which would need discussion and that's exactly why I was trying to provoke this sense of - the nature of the kind of work the working group would have to do.

Okay, we've hit just about the top of the hour at the end of a long day. And I suspect we've covered the topic sufficiently seeing no other hand in the room. And I'll just make a last call in case anyone wanted to ask any further questions or have any additional input.

But if not, I think it's a timely point to wrap things up. Okay, great. Well, thanks everyone. With this committed to the record and that's useful to have been - had the opportunity to give you an update.

And we'll look forward to working with you all for those of you that do choose to become participants or are sent to the working group as members once this is accepted. Thank you again, and with that, will call the session closed.

END