
HELSINKI – ccNSO Members Meeting Day 1 (Part 4)

Tuesday, June 28, 2016 – 13:30 to 15:00 EEST

ICANN56 | Helsinki, Finland

LISE FUHR:

British member of the parliament. Talked to her before the Brexit, which was very interesting, and she actually gave me a reference to a poem that I'm going to read aloud for you. I think it's a good poem, and I think we need to recall us the objective of the poem, It's actually the British poet called Yeats who in 1990 wrote this. He actually wrote it to describe the atmosphere of post-war Europe. I'm using this to describe the post-Brexit and to remind us to actually stick together. It's called The Second Coming. We have to be a little intellectual today. Sorry about that. It is unusual. It's called The Second Coming, and it reads like this:

"Turning and turning in the whitening gyre, the falcon cannot hear the falconer. Things fall apart; the center cannot hold. Mere anarchy is loosened upon the world. The blood-dimmed tide is loosed, and everywhere, the ceremony of innocence is drowned. The best lack all the convictions, while the worst are full of passionate intensity."

And I think we should use this poem to remind us to find compromises, not to become too ideological. I think that's the

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

same within this community. Find compromises, guys, be constructive, and I'd actually like to end with a reminder to focus on another famous group of poems who are saying "Always look at the bright side of life." Those are also British.

Sorry for this British lecture, but I couldn't let the chance go. Inspired by Giovanni who just entered the group. Actually, Maarten is saying now he understands why we need one and a half hours. He has been complaining that this is too much time. I'm not responsible for the amount of time. I'm responsible for fulfilling the time, so that's why it's going to be a long session, guys. No. I will go on with the slides, and as you can see, I will not be talking all the time. I will actually only be talking for a couple of more minutes.

We should have had Trang here. I don't know where she is.

UNIDENTIFIED FEMALE: We'll look for her.

LISE FUHR: We'll look for her. Good. Then we have Katrina, who will actually
–

UNIDENTIFIED FEMALE: Oh, there she is.

LISE FUHR: Oh, that's good. She's the Chair of GRC, which is not Secret Service. I don't know what the acronym –

UNIDENTIFIED FEMALE: Guidelines Review Committee.

LISE FUHR: Yes.

UNIDENTIFIED FEMALE: It's a Guidelines Review Committee. It works on our internal procedures.

LISE FUHR: That's good, and we actually have Maarten Simon who will give us a perspective on the PTI Bylaws and the contract and the service level expectations. Hi! Those guys will actually take us through those very interesting subjects.

I'll just give you a brief overview of the timeline: as you can see, actually, we have been through most of it, and the key point is on the 9th of June, we actually had the proposal endorsed by NTIA. It was very important it was not approved, it was

endorsed. Then we have the next big deadline, is the ICANN implementation report that is to be sent to NTIA.

So that's actually why we're here today, to get some clarity on where we are, and as you might know, the purpose of the CWG was to make a proposal for the transition. We decided then to become the group that also was overseeing the actual implementation and worked with ICANN staff on this.

On top of that, because in Marrakech we felt that things were moving really fast and we didn't want to slow things down, we created what we call IOTF, which is the Implementation Task Force. We had Design Teams within the CWG, and those Design Team leads, Jonathan Robinson and I are working closely together with Trang and [Yuko] on actually having quick feedback and quick turnarounds on how to implement the proposal as such. While we're meeting almost every week and things are moving really fast because as you can see the deadline is in August – Yes?

UNIDENTIFIED FEMALE: May I ask a question? Is it 12th August or 15th August?

UNIDENTIFIED MALE: 15 August.

TRANG NGUYEN: It was 12 August. However, with the recent publication of the NTIA report, they have also moved up our due day for the implementation report to August 12. So what was previously August 15th is now an August 12 due date.

LISE FUHR: Very good date. It's my birthday.

UNIDENTIFIED FEMALE: It's Saturday. It's Saturday, isn't it?

TRANG NGUYEN: I believe it's a Friday. I believe that's a Friday, as opposed to what was a Monday.

LISE FUHR: Okay, good. As you know, the proposal was set to meet the five criteria you see below. It has to support and enhance the multistakeholder model, maintain the security, meet the expectations of the customers, maintain the openness and not be replaced by any government-led solution. This was endorsed by the NTIA that the report met all these criteria, which was really nice and good for us. So why are we here today?

The report is endorsed. We have a couple of outstanding issues, and I was asked to actually highlight the main issues. Apart from the CSC, which Katrina is going to talk about, we have four big chunks that we're looking into, and one of them is PTI Bylaws. Those are almost finalized. We have the PTI and ICANN contract. That's also in progress. It's not finalized yet. I guess Trang and [Yuko] will go through those.

We have the staffing of PTI, which created a little fuss within the group because the first proposal was to only have a secondment of staff to PTI, and that created some tractions in the different communities. Now the solution is actually to do it in a two-step way. The first step is the secondment, and then we will, within three years, employ staff within PTI. I guess that will be explained, too.

Then the last point is actually IANA IPR, which is slowly waiting on the naming community – that's us – and the numbering and the protocols to agree on how to make the actual contract between the parties, how to have the legal thing sorted out. It's not something that's creating a big attention within this group, but it is taking some time for Johnson and me. With that, I will actually hand it over to you.

TRANG NGUYEN: Thank you, Lise. While the slides are getting loaded, thank you very much Lise and the ccNSO council for inviting us here today to provide you with an update on the work of the implementation and the transition. Could I perhaps have the ...? Thank you. Where do I point? Yeah, maybe.

UNIDENTIFIED MALE: I always [inaudible]

UNIDENTIFIED FEMALE: No, you go to the [right here].

TRANG NGUYEN: Oh, there we go. So for us today, I wanted to share with you some updates on a few key areas that's going to be of most interest to this group.

The first slide that we have here for you is a slide that we've used and have shared with the community for quite some time now. This is a summaries view of the 15 implementation projects that we have, mapped across three tracks. The first track has to do with the root zone management, the second track having to do with the various recommendations that were in the ICG proposal from the three operational communities, and then the third

track have to do with recommendations that were in the CCWG Accountability proposal.

As you can see, what we've done there is show you the progress that we've made in terms of implementation planning since ICANN 55. As you can see, we have made progress in all of these projects during the time that has elapsed between ICANN 55 and today.

Lise was alluding to the PTI earlier today, and this is one of the main areas of recommendation coming out of the CWG stewardship proposal, which is the creation of a new legal entity called PTI that would essentially perform not just the naming function, but we have agreed with the community that PTI would also perform the numbering and the protocol parameters functions as well.

PTI will essentially be a separate legal entity from ICANN. ICANN would be the sole member of PTI, so in common commercial terms, PTI would be a wholly owned subsidiary of ICANN. It would be domiciled in California and would have a 501(c)(3) status, which in the state of California is the equivalent of a nonprofit. As you can see, being a separate legal entity, PTI would have its own board, and in accordance with the CWG Stewardship proposal, the board would be made up of five individuals.

UNIDENTIFIED FEMALE: Yes, I'm sorry, may I ask you to slow down, because most of our audience, they're not native speakers. Thank you.

TRANG NGUYEN: Thank you for that reminder. The PTI board, as I mentioned, will have five individuals. Three will be appointed from either ICANN staff or PTI staff, and two will be appointed by the ICANN NomCom. Since the 2016 NomCom process is already well underway, we, the group within the IOTF as well as the CWG Stewardship have agreed that Jonathan and Lise would serve as the interim directors until the 2017 NomCom process could elect two independent directors for the PTI board. In terms of officers for PTI, there will be three officers. There will be a president of PTI, a treasurer and a secretary.

The position of the president of PTI is contemplated to be a seconded individual from ICANN, whereas the treasurer and the secretary are board support positions, if you would, and they're not expected to be full time positions. They're currently contemplated to be direct share resources from ICANN. So in other words, ICANN would provide a resource to serve in those two roles for PTI.

Staffing of PTI, as Lise mentioned earlier, our initial proposal was to have all PTI staff be seconded from ICANN to perform the IANA functions, the services, and that secondment would apply on an ongoing basis. In other words, any new employees of PTI would be hired by ICANN and seconded to PTI. That proposal received some mixed feedback from the community. There were some in the community that were in support of that approach. However, there were some in the community that expressed certain concerns with that approach, mainly that that would not achieve the desired separation between ICANN and PTI as contemplated by the CWG Stewardship proposal.

ICANN considered very carefully the feedback that we received from the community, both those in support of the proposal and those that raised concerns, and to really think through the rationale for why there was support and why there were concerns raised, and we proposed a revised approach which was intended to bridge the gap a bit.

And the revised approach that we have is at the time of transition, which is on October 1st, we will second the IANA staff to PTI to perform their services. After the transition, ICANN would work to put in place benefits programs that will be either exactly the same, or as equivalent as possible to the benefits program that we currently have in place for ICANN staff. We would work to put in place a comparable benefits program for

PTI, and we would also work to put in place processes and systems to support things like payroll and HR and benefits administration and other processes.

We'll work to put those in place, and once those are in place, but no later than three years, then we would require PTI to offer employment to all of the seconded employees. Once those systems and processes are in place, then PTI on a move forward basis can then hire its own employees as well. That's the revised proposal that we have circulated just before the ICANN 56 meeting, and from initial feedback that we have received, I think everyone that had previously raised a concern is in support of the proposal, so I think we potentially have a path forward there.

I covered the legal status of PTI and the services of PTI as well. From an operations perspective, there's this concept of shared services. As a brand new legal entity, obviously there are a couple of options of how to structure that organization. It could have its own HR department, its own legal department, etc., but for the size of the organization that PTI is going to be, that's not necessarily a very effective way of doing it. What we're proposing is a shared services approach where ICANN would continue to provide those critical shared services for PTI in order for it to carry out its work. Then of course, once the PTI board is in place post-transition, they can review the shared services

arrangement as well as the staffing arrangement and all of that, and decide what, if any, changes they want to make.

So how do we make all of this work? It's contemplated that we would have, at minimum, four contracts between ICANN and PTI. There would be a contract between ICANN and PTI for the performance of the naming function, and then ICANN will also be subcontracting the protocol parameters and numbering services to PTI. Those will be two separate subcontracting agreements, and then there would be an intercompany services agreement between ICANN and PTI, and that's the contract where the details of the secondment and the shared services arrangement would be detailed.

At minimum, there will be those four contracts. There may be additional contracts. For example, as an outcome of the IANA IPR discussions, there may be an additional contract between the ICANN and PTI to allow PTI to use the IANA trademark in the performance in its work. This graphic gives you sort of a picture of what the post-transition landscape would look like. In the middle there, you would have ICANN, and then as you can see there, there would be various contracts between ICANN and PTI.

PTI would perform the three IANA functions, and then ICANN via the ICANN Bylaws would have a customer service standing committee that would perform oversight of the performance of

the naming function. Basically, what that means is that the CSC will, on a monthly basis, review performance reports from PTI to make sure that it is performing in accordance to the service levels that is set out in the contract between ICANN and PTI, and then escalate any performance issues that it identifies to the ccNSO and GNSO.

As you can see, the arrangements between ICANN and PTI will occur via a contract with both the IETF and with the RIRs. Then ICANN would in turn subcontract the performance of those services to PTI. Oversight of those performance for those two communities are specified in the contracts that we have with them.

I mentioned briefly that the Customer Service Standing Committee or the CSC will perform oversight of PTI's performance of the naming function and determine whether or not PTI is delivering services in accordance with the service level agreements. Those service level agreements are something that we're working on.

It's actually one of the things that we've been working on for the last several months. That project is the names SLE project as we called it, and there is a Design Team within the CWG that specifically is looking at this. What we had to do with this project is essentially ICANN had to make some code changes to our root

zone management system to be able to collect data the new way that the SLE Design Team has determined that we need to collect.

Those code changes had been done and deployed back in March, so we had been collecting data in accordance to the new performance targets that the names SLE Design Team had defined for us. With now about three months of data that we've collected, we've started to aggregate them and analyze them in order to come up with a set of what we think are the appropriate service level agreements for the performance of the naming function. We're on track to do that and present that back to the names SLE Design Team in around mid-July.

Then in addition to that, we'll also be building a real time dashboard, where we would, on a real time basis, report on the performance of the naming services against those performance targets that we would agree upon with the CWG. So the Customer Standing Committee – and I know Katrina is going to talk about this a little bit – but essentially, like I mentioned, it is going to be an oversight body and it's going to monitor PTI's performance against the service level agreement that's in the contract between ICANN and PTI. The composition of the CSC, as you can see, is on the slide there. The members of the CSC will be selected by the Registries Stakeholder Group, and also by the

ccNSO. In addition to that, they will also have liaisons from other SOs and ACs.

The other body that will be coming out of the CWG Stewardship proposal is what's called a root zone evolution review committee, and this committee's main purpose is to look at and evaluate any architectural or operational changes to the root zone and make recommendations essentially to the ICANN board on those matters. This is a replacement of a responsibility that's currently under the NTIA, so currently, any major architectural changes to the root zone we have to obtain NTIA approval for. Post-transition, it will be this group, the RZERC that will consider those types of changes and then make recommendations to the ICANN board, and then the ICANN board would have ultimate responsibility for approval.

Where we are with the RZERC is we've worked with the IOTF and the CWG on creating a charter for this committee. That is now currently posted for public comment, so after the public comment window closes, we will consider any comments received and then go present it to the ICANN board. Then after ICANN board's adoption, we would initiate the process to start forming this committee.

IANA IPR, as Lise mentioned, this is the work that's currently undertaken by the three operational communities, and there's

quite a bit of work and effort that's been put into this. I think what's going to need to be done, as Lise said, is ultimately agreements and contracts will have to be drafted between the operational communities and the IETF Trust to define the arrangement there, and then that would have to be in place before the transfer of the IPR occur.

We have a slide here that has some links for you in terms of how you can engage and contribute to the various implementation activities that are going on. There's public comment that's currently open for the Root Zone Evolution Review Committee charter, as I mentioned. Under the CCWG Accountability track, we currently have the ICANN restated articles of incorporation that's out of public comment, and then you can volunteer as well through the CSC, as Katrina will talk about in just a minute. You can also participate in these mailing lists and follow the various discussions that are going on.

LISE FUHR:

Thank you, Trang. I actually would like to highlight something because you showed very nicely how the contracts are going to be divided into four contracts, but we have an issue that we want to look into regarding the intercompany agreement and dividing it from the naming function contract. We're going to have [inaudible] look into this because the ICANN Bylaws covers

certain parts of the contract. We want to be sure that it covers both the naming function contract and the intercompany agreement because that's very important in relation to how easy it can be changed. This is incorporated into the Bylaws that the contract needs hearing of the communities and that there needs to be a majority, etc. For us, it's important that we have the same protection for both contracts, but it's not solved yet, so we will look into that.

Thank you, Trang, for a very comprehensive presentation. I don't know if we should take a few questions. I've been told that when Göran arrives, we would –

Yes, I saw he's there, so after Trang and questions, we will – yes. Are there any questions for Trang now? Because I think we should finish that before we – okay. Okay, thank you. Thank you, Trang. Could you give us a tentative date when RZERC must be in place?

TRANG NGUYEN: RZERC should be in place by September 30th.

LISE FUHR: Any other questions for Trang while she's here? Very quiet. We had too much lunch or just too tired. Yes, that's a question. Go ahead.

UNIDENTIFIED MALE: [inaudible] .an, ccTLD. So this organization, PTI, was created only to have a supervisor as ICANN, in face of ICANN? Why it was necessary to create additional organization?

LISE FUHR: I don't think we should ask Trang about that question because that's the CWG who made the proposal. The idea behind having the legal separation was that if PTI or IANA didn't perform and there was repetitive misperformance, it would be easier to separate it. It was to actually ensure that if things really went wrong, it would take years to do the separation because it was all built into ICANN. This is an affiliate of ICANN, so it's still owned by ICANN as such, but it's a legal separation.

Any other questions? If not, I'll actually make a pause in the session and hand it over to Katrina to do a short presentation of the new – I don't know if it's that new anymore. I can see you have a question before.

PETER VERGOTE: Hi, good afternoon, Peter Vergote from .be. It's not so much a question, but I think it would be interesting for the group that we just zoom in a bit on what is understood behind proposed architectural, operational changes to the root zones, which is on

the plate of RZERC, and which might be other decisions that can be made by PTI on its own. Thanks.

TRANG NGUYEN:

Thank you for the question. I think if there are any members that were in the previous Design Team that came up with the RZERC concept here that could add to provide an explanation for that, please chime in. I think what we're trying to get to here is that this committee would consider essentially any issues or anything that would come up, that would have an impact on the root zone itself and the technical management of the root zone itself. I think they want to make sure that it's quite broad what could be brought to the group, and then the group itself would review and determine what issues it wants to take on.

LISE FUHR:

Thank you, Trang. I'd like to add that actually within the CSC, if you want to have other service level expectations, it's the CSC who actually review the SLE and is overseeing that PTI is performing according to that. You have to make the distinction between the more day-to-day operational part, and this is more the fundamental technical part of the PTI functions that we don't want to be changed without any very thorough analysis.

SIMON MCCALLA: Hi there, Simon McCalla, .uk. I think this is really important and it's great. I think what we've got to be careful as a community, the root zone needs to be managed under service level agreements and managed like a contract. We need to make sure that we're not trying to manage this by feelings, and one of the dangers of setting up lots of supervisory committees is ultimately, we need to judge this arrangement by how IANA is managing to its service level agreements and its contracts. It's important to have oversight but not create yet another body that just spends a lot of time talking about issues that fundamentally are contract – either the contract is being acted out, or it's not, and I think that's really important. This needs to be lightweight and it needs to be nimble, and not be another burdensome sort of bureaucracy, if that makes sense. Thank you.

LISE FUHR: Well, point taken, and that's also what we try to do in the charter.

TRANG NGUYEN: Yes. I think some very smart people sort of thought this through, and I think in the charter, the CSC charter, there's requirement for the review of the CSC charter in a year's time after the transition. I think there is already built into it a mechanism to

review the effectiveness of the CSC itself shortly after the transition.

LISE FUHR: Okay, any other issues, questions for Trang? I'm glad we got some questions. That's good, you're still awake. Nice. Well, then I'll hand it over to Katrina to actually introduce – or to welcome, sorry – a guy who actually took the other way. He went from the telco business to the domain name world, I've gone the other way.

KATRINA SATAKI: On behalf of the ccNSO, I'd like to welcome our new – or as Lise put, not so new – also, I won't use the word old – CEO of ICANN. So if you would like to say some words.

GÖRAN MARBY: [inaudible]

KATRINA SATAKI: Yes, of course.

UNIDENTIFIED FEMALE: If you're not shy.

UNIDENTIFIED MALE: Actually, I'm really shy.

I didn't really plan to say anything because I'm here to learn. I have [inaudible] all the time, and I'm still trying to understand everything. The team that I have working with this is an amazing team, and there are a lot of things that have to be happening. The reason why I wanted to attend this session was really to hear your reactions, to listen. Because we have a very tight time schedule, there is many things to do, and all the yellow flags we have, we just have to address them. So this, for me, is like a way that you ask questions and we really make sure we have the right answers so we don't miss anything. I was here just listening.

KATRINA SATAKI: Thank you very much.

GÖRAN MARBY: Thank you, have fun.

KATRINA SATAKI: Thank you, so back to Lise.

LISE FUHR:

Oh, thank you, Katrina. Trang, you're welcome to stay, you're welcome to leave. It's up to you what you want to do with your time, but we will continue. Yes, the ICANNExit. No. Sorry, no.

Thank you, Trang, again, and I would actually like to underline that I think the cooperation on this is really good between the Implementation Team and CWG. I'd like you to know that we're very satisfied with the way it's working. Thank you, and we'll move over to Katrina, giving us a presentation on the CSC.

KATRINA SATAKI:

Yes, thank you very much, Lise. Thank you, Trang, again. I hope that you have received the information we've prepared for the community. I sent two e-mails trying to alert you and give some initial information on the Customer Standing Committee. Today, we'll try to answer all the questions you might have, and I'll give you a hopefully clearer picture. So as you understand now, as already mentioned by Trang, so what will change? We'll have some structural changes post-transition. As you can see, there is a Customer Standing Community in the lower right corner.

The main purpose and the tasks of the Customer Standing Community will be to ensure that IANA naming function has been performed in satisfactory manner, and it works for the direct customers. That is us. We as ccTLDs are direct customers of IANA naming function. The other thing that the CSC is going to

do, they will perform regular monitoring of IANA naming function against the contract. In case they identify some existing or potential problems, they will work together with PTI to actually solve those issues.

Again, the composition of the Customer Standing Committee will have members with the voting rights, and liaisons who will liaise, basically. On members, we have two members from gTLD registry operators. These members will be appointed by the Registries Stakeholder Group or from the GNSO, and two ccTLD registry operators and they will be appointed by the ccNSO. Together, members and liaisons make a full slate, so when we refer to full slate, it mean voting members and liaisons.

UNIDENTIFIED MALE: [inaudible]

KATRINA SATAKI: Sorry? Slate, not slave. They will be slaves to the community, but yes, slate. Here, as you now know, the deadline shifted a little bit, so the final deadline will be 10th of August. The ccNSO council did adopt the guideline explaining how we are going to select the members. At the end of this meeting, we will issue the call for expressions of interest, and those who are interested to

serve on this community will have two weeks' time to submit their expressions of interest.

Then, the ccNSO councilors will evaluate the applications received, and in consultation with the Registries Stakeholder Group, we will come up with four members. These members have to be submitted by 22nd July. All other communities that will appoint their liaisons also have to submit the names by 22nd July. Basically, ICANN secretary will collect all the names, and when all the names are collected, they will send them to ccNSO and GNSO councils. Again, in consultation between these two bodies, we will come up with a full slate and will adopt the full slate. So both councils will have to adopt the full slate of CSC.

If we talk about the guidelines, if you go to the ccNSO website, you can find the actual text of the guideline. It explains the process and all the requirements, but I'll try to highlight some of them here. So this election process, first of all, requirements. It's good if you're committed and want to serve, but there are certain skills that you need to serve on this committee.

First and utmost is you need experience and knowledge of the IANA naming function, and you of course need some analytical skills, experience in other committees, ability to be engaged in diplomatic discussions – so I for one cannot be on that

committee – consensus driven decision-making and things like that, and of course, excellent communication skills because you will need to communicate with the community, with others on this committee, and PTI and other bodies that will be involved in the process. It means that you also need to be able to communicate in written and spoken English, just to make things easier.

Some additional requirements: again, you need to commit to active participation on this committee and you should be employed or have active backing by a ccTLD manager. Also, the council will have to apply some diversity criteria on the top of the skillset. Of course, again, the professional criteria are most important, and then we also consider diversity.

Please note two things: if you want to join the committee just to receive travel funding, no, there's no travel funding, so it's just work and no fun of traveling. Just work, yes. Another thing is quite serious time commitment. Maybe not so much in terms of time, but there are monthly meetings, and you're supposed to attend at least nine meetings a year and do not miss more than two consecutive meetings.

Then you also of course need to provide updates to constituencies, to groups whenever you're asked to provide updates and so on. Of course, I think we should normally expect

that in the beginning there will be much more work, because you need to set up all the procedures and decide how are you going to work. The most important thing: you do not have to be a ccNSO member to apply, so it's very important. Any ccTLD, if you feel confident, if you fulfill the requirements, if you commit to the work of the Customer Standing Committee, you're welcome to apply.

Next steps, once more: We'll have a call for expression of interest from 30 June until 15 July, then ccNSO council selection until July 20, coordination with Registries Stakeholder Group approximately on 21st July, and the appointment of the CSC members on 22nd July. Then both councils will start working on the full slate.

Again, I tried to be as brief as possible. If you have any questions, something is not clear, please ask now because in two days we'll have this call of expression out. It will be a PDF you can fill in easily. Now if you go to the guideline, you can see in appendix A the form you'll need to fill in. It will be made easier for you to fill in. Any questions?

LISE FUHR:

I actually have a comment. Jonathan and I talked to the GAC earlier today about exactly the CSC because they are to have a liaison if they want, it's voluntary, so it's not mandatory for GAC.

What we told them was that the first year is going to be very interesting in the sense that this is where the work of the CSC will be formed. This is where you actually fulfill the frame that the charter is giving the group. It's a very important year, so I really hope that some of you would put in the time. I think it's going to be time consuming, but it's also going to be very rewarding, I believe. Thank you.

KATRINA SATAKI: So if you want to be rewarded...

UNIDENTIFIED FEMALE: Rewarding.

KATRINA SATAKI: Rewarding, yes. Are there any questions, or everything is so clear? Perfect, okay. [Irina].

UNIDENTIFIED FEMALE: Sorry, probably I have missed some of your explanation, but when you mentioned a monthly meeting, is it anticipated that it's going to be in person meeting or online meeting or whatever?

KATRINA SATAKI: Teleconferences. Yes, calls, monthly calls, but you're supposed to be at least on nine calls a year and do not miss more than two calls in a row.

LISE FUHR: I guess that during the ICANN meetings, there will be some face to face meetings for the group. I think most will be, as Katrina says, calls, but there will be a need for physical meetings too. But this is, again, up to the CSC as such to define in more details because we only wanted to give the direction and of course the objective of the group, but not the final procedure on how to deal with the meetings and other things.

KATRINA SATAKI: And one more comment: the Guidelines Review Committee is currently working on a new guideline. It's for RZERC. It will be much easier than the one for CSC because we do not need all this coordination work, but still, we need one person to point to RZERC.

LISE FUHR: No other questions? Well, that's proceeding very fast. We have Maarten, who will actually go through the PTI contract, the PTI Bylaws and also put in IPR. Great.

UNIDENTIFIED MALE: [inaudible]

LISE FUHR: Okay, take it away, Maarten.

MAARTEN SIMON: Yes, I will, and I see we have – or I have – more than an hour left. No, that’s not true. More than half an hour left, and I’ll have to make it short, as I didn’t foresee that Trang would present everything that I wanted to say about the Bylaws and the contract, so we better go, if possible, to slide number four, I think.

UNIDENTIFIED FEMALE: [inaudible]

MAARTEN SIMON: I didn’t know that. Now I understand why it takes so much time. Yes, this is the one. I want to tell you something that is finished work and that is I think very positive for the [CSC] members, the ccTLDs. In the work of the CWG we in the end drafted an annex C that contains some details about how the relationship would be between PTI and the TLD operators, and it took a number of things from the original IANA contract. What is there now? If you

want to see it, and you want to see the details of it, you better use the link that I've put in. It's [detailed]. There are a number of clauses that will go into two things: Into the Bylaws of PTI, and also in the contract between ICANN and PTI, so it's double. I can go through the details here.

First of all, the first article says that all decisions and actions of PTI shall comply with local law of the ccTLD, except – of course, there is an except – if that would force PTI to violate its own laws. It's your own law that dominates. Second thing is that PTI cannot – and this is something that I think it's in the IANA contract now – cannot make changes to the ccTLD policies and procedures without the consent of the impacted registry.

The next thing that's also nice to have is that PTI will not discriminate between types of registries. Registries that have a contract, that don't have a contract, that are gTLDs, ccTLDs, all are treated equal. The next thing is that PTI will not require now, or in the future, a contract in order to provide services to ccTLD registries. This is also directly from the contract that NTIA has now. PTI will not impose additional requirements unless directly and demonstrably – difficult word for me – linked to the global security, stability or resilience of the domain name system.

So it's what it is, and nothing will change. We don't have to get anything extra, unless the whole security, stability and

resilience, but that's not something that will change very much now. These clauses are defined now, and I must compliment Paul Kane because he has helped us a lot in this. They will be, as I said, both in the contracts and in the Bylaws, so there to stay. That's all I had to say about this, and all the other things I had to say were said already. Thank you for that. Any questions?

UNIDENTIFIED MALE: Obviously, this is an overview of the exact language.

MAARTEN SIMON: Yes, that's why I had the link in this presentation because you have to go to the exact text. We could discuss it, we have time now, but I don't have it in the presentation, so it's a bit difficult.

UNIDENTIFIED MALE: I won't discuss this in detail, but I see two of those very serious problems. Obviously, as I haven't read the precise, literal language of what's in the PTI proposal, then I can't comment in detail about this, but let me tell you what your presentation is giving the perception of to me at this point. First of all, it says the local law of the ccTLD. There's a complete misunderstanding there of the fact that ccTLDs do not map to local law. My own country has something like four jurisdictions, so is it English law?

Is it Scottish law? Is it Ireland law? It could be any of those in different contexts.

It could have been European law. Precisely. I hope it still is, but that's looking increasingly unlikely. The other thing is I look at the possibility that you have – and I won't name any country in particular, but you have a country in which the rule of law does not really apply very well, and a directive is made by the dictator of that country that the ccTLD be redelegated. That doesn't contravene Californian law, so therefore, according to this, ICANN must redelegate simply on receiving instruction from the government.

This is something we have fought against for 15 years. This is unacceptable, if that can be construed in that way. So this is not going to happen. I hope that the language does not permit that interpretation. Finally, again, interpretation. It gives the implication that PTI can impose additional requirements when they are directly and demonstrably related to global security, stability and resilience of the domain name system. No, it can't. Only when there's been a PDP from the ccNSO.

MAARTEN SIMON:

I was already afraid for this. The point is that we don't have the details here, and I don't think it's a good idea to discuss the details now. I invite you, please, go through it and send me

everything that you think that is not correct currently because we can open a discussion again if necessary.

LISE FUHR:

I would like to add that there's going to be a public consultation on exactly the PTI Bylaws and the contract, and I would like to support Maarten in that it's not written like own laws. It's in a broader sense. It's more the rules or whatever is applicable to that specific registry. So I don't think there is a problem regarding the law. The last one, I'm a little more uncertain about, and I think it would be important that we look into it, of course, and you will get a chance to do so.

UNIDENTIFIED MALE:

[inaudible]

LISE FUHR:

When? I actually think it's within a week or two, so it's going to be out for public comment very soon. Trang is still here, I see, so I can't remember the date.

UNIDENTIFIED MALE:

[inaudible] certainly [inaudible] as well.

LISE FUHR: Yes. Trang, can you – sorry, Jay, just...

TRANG NGUYEN: Yes, Lise. The PTI Bylaws is expected to be posted for public comments either later this week or early next week.

LISE FUHR: Thank you.

UNIDENTIFIED MALE: What's the duration?

UNIDENTIFIED MALE: Can you [inaudible] the mics on? Please. I can't hear you.

TRANG NGUYEN: I think the question was what's the duration of the public comment period, and it will be posted for a 30-day public comment period.

LISE FUHR: Thank you, Trang, but actually, they can be previewed now. I don't know if it's the final one, but one can get a sense of how they look.

TRANG NGUYEN: Yes, everything either via the IOTF mailing or the CWG mailing list. You can see a first draft of the PTI Bylaws, as well as the areas where [inaudible] had raised some questions to the CWG on. You can also see the discussed and agreed upon responses to [inaudible] questions, and essentially, the difference would be we would just be incorporating the CWG responses to [inaudible] questions into the next draft, which would then be posted. This document that Maarten is referring to is a document that was drafted by [inaudible] as well, working with some members of the CWG, so we'll be taking a look at that and incorporating that into the next draft of the Bylaws that we will post for public comments.

LISE FUHR: Thank you, Trang, and I'd like to add that ICANN legal and [inaudible] are working very closely on this, so it's actually two parties working together on implementing the different questions. The next consultation will not include the contract, but we will have a consultation on the contract. Go ahead, Jay.

JAY DALEY: Thanks. Jay Daley from .nz. My understanding of the answer to Nigel's two points was that first of all, the Bylaws or the rules would incorporate initially RFC 1591 of GAC principles. We've eliminated ICP 1 taking place and being part of it, and when FOI

is complete, FOI becomes part of it as well. The point there about not being able to violate its own laws means that it can't violate FOI, effectively is the interpretation of it.

If I'm wrong, please explain that to me, but I thought that was the whole point about the timing of FOI, to have that into PTI for that particular purpose that Nigel is talking about.

LISE FUHR:

To be honest, actually where this is taken from is from the old contract with NTIA.

JAY DALEY:

Right. The old contract with the ICP 1 GAC and RFC 1591, probably. So I think, to Nigel's point, I don't think that it would in any way allow a dictator to issue something that is then thought of as in charge of that. And the other one is it clearly says "will comply with local law." That doesn't mean that you have to pick which of your four overlapping laws is the one. To me, it's a statement of the obvious, that it wouldn't say you're allowed to break the law. It's a very fundamental statement along those lines that it must be lawful in its operation.

So I really don't see that we have those problems that Nigel has pointed out there. I think this is consistent and straight forward. We've just got some work to do about FOI, which is natural,

because FOI is a big piece of work to make sure that that's into the policy sector.

LISE FUHR: Thank you, Jay, and actually to add to that, the reason why this was raised by Paul Kane was actually to make it very clear, the distinction between ccTLDs and gTLDs, and you have certain situation where it's important to make that distinction. It's not done in all clauses, but we have those specific issues as ccTLDs that we wanted to ensure is still being taken care of.

UNIDENTIFIED MALE: No other questions? Okay, thank you.

LISE FUHR: Well, I have 25 minutes to sing you a very long song or whatever. That's one more question, thank you.

UNIDENTIFIED MALE: Yes, but I was waiting until all the questions about the specifics of all these many acronyms were discussed because my question is not so much about the post-transition scenario, but about the pre-transition one. I'm not completely clear about what's going on right now, and I would appreciate if somebody could shed some light on it.

On June 9, the proposal was accepted by NTIA. I wonder, what's the status now? Is that the final move by the US government that was needed? Should there be something else, like a presidential directive or something, or time is just ticking until the current contract finishes, and barring some move by Senator Cruz now that he's free from his other project, everything would go smoothly?

LISE FUHR:

That's a very good question. Thank you. Actually, as we showed before, NTIA has endorsed the proposal as such, but this is the whole proposal with the Accountability proposal, the IANA transition, and everything has been tied into a nice package and sent to NTIA. Then, we look at the date, the 12th of August, and apart from being my birthday, it's also the day of where we have to show that the implementation is feasible, that it's actually well on track, the implementation is in line with the proposal. So that date is important too.

They need to have it on the 12th of August in order to actually also sign off that yes, you sent us a proposal which we endorsed, yes you're doing it in the way you said in the proposal, so it's still in line with everything that's been endorsed by NTIA. They have this committee. I forget what the acronyms are for, but I think it's called COSO, which is looking into both the accountability

proposal and the IANA transition. There are some green, yellow and red flags, and some of the IANA Stewardship transition has some yellow flags because we haven't finalized the PTI Bylaws. We haven't finalized the contract.

Until all this has been done and sent to NTIA, they cannot fully endorse the actual proposal because they need to see that it's been done in a stable, secure and resilient way, and everything is in order.

UNIDENTIFIED MALE:

If it wasn't for the fact that you said we're ahead of time, I wouldn't have come back for second helpings, but just to follow up from a couple of the other questioners and the comments that were made, I'm not concerned about the intent of the people who've put this together. What I'm concerned with is the possibility that in the future, with different people involved, that these words may be construed and interpreted in a different way to that which they were intended, either intentionally or unintentionally. It's as simple as that, and until I've actually read the exact proposed words, we don't know if there's a concern or not. I'm just saying that the perception that comes over from your slide was concerning. Thanks.

MAARTEN SIMON: Trying to write legal text simpler is not easy, and usually, in a good legal text, every word has a meaning, so if you try to make it shorter, then you always lose details that are important. I hope they're there, but otherwise, I'll hear from you.

LISE FUHR: That's why it's so wonderful that we have the whole community to review it. We are going to need your help, so guys, just read and review. Thank you.

STEPHEN DEERHAKE: Stephen Deerhake, .as, American Samoa. Is there contingency planning ongoing in the eventuality that the constitutional questions that are being raised by Senator Cruz and others most recently overnight comes what I would characterize as "to the forefront" on the run-up to the proposed transition date, and if so, can you give us an outline of it? Does Work Stream 2 work simply come to a halt if something arises that prevents the transition from happening? Can you give us an overview of that?

LISE FUHR: I can. We had the same question of the GAC this morning, and the short answer is no, there is no contingency plan from the CWG side. I don't know if ICANN has a contingency plan in relation to this. What I know is that we as CWG is formed to make

a proposal, formed to actually oversee the implementation of that proposal. As I see it, we're not doing anything that's irreversible at the moment. We're creating the legal offset for PTI. We're looking into SLEs that would benefit ICANN as such if it stays as it is.

I don't see we're doing anything that would create a disaster if it's not happening, except that it would be very sad to tell the whole world that you're handing over the stewardship to the international Internet community and then not doing it, which I, for the record, would find very sad and bad and terrible. Any other questions or remarks? Feedback? We're 18 minutes before. Yes.

UNIDENTIFIED FEMALE: Well, it's not the first time today.

LISE FUHR: I know. It's fine? Thank you for listening and thank you for your questions.

UNIDENTIFIED FEMALE: Thank you very much. So please, mind that next session starts 3:15 and not in this room. This was going to be Hall A. You go up and then go all the way to Hall A. With GAC, and we're going to

discuss PDP just as we did earlier today, and going to talk about the survey. GAC Working Group on underserved regions came up with a survey on government relations with ccTLD managers, so I expect a very interesting discussion. It will be a one-hour session, and then we reconvene at 5:00 here, same room.

[END OF TRANSCRIPTION]