

**ICANN
Transcription
New gTLD Auction Proceeds CCWG Charter Drafting Team
10 August 2016 at 12:00 UTC**

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Attendees:

ALAC
Alan Greenberg

ASO
Sylvia Cadena

ccNSO
Will not be participating in the drafting team

GAC
Olga Cavalli

GNSO
Jonathan Robinson

RSSAC
Brad Verd

SSAC
Lyman Chapin

Board
Board Liaisons
Erika Mann
Asha Hemrajani

Board appointed staff advisors

Apologies:
Tony Harris
Russ Mundy
Samantha Eisner

ICANN staff:
Marika Konings
Vinciane Koenigsfeld
Lauren Allison
David Tait
Terri Agnew

Coordinator: The recordings have started. Thank you.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the New gTLD Auction Proceeds CCWG Charter Drafting Team call held on Wednesday the 10th of August, 2016.

On the call today we have Olga Cavalli, Sylvia Cadena, Alan Greenberg, Jonathan Robinson and Lyman Chapin. Our Board liaison is Asha Hemrajani.

We have listed apologies from Tony Harris. A tentative apology from Russ Mundy. And joining us a little later on in the call will be Erika Mann.

From staff we have Marika Konings, David Tait, Lauren Allison and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. With that, I will turn it back over to Jonathan. Please begin.

Jonathan Robinson: Thank you, Terri. It's Jonathan Robinson for the record. Could you confirm that you are – let's just see if we can get Olga connected. Are you intending to dial out to her?

Terri Agnew: Yes, I am. We're in progress now with the operator, yes.

Jonathan Robinson: Just give that one more minute. I'll just pause for a moment while we at least start that off so we make sure she's involved from the outset. Going to check the facts with staff, I've been through the documents and the various bits and pieces and as I can see it, on the review of comments, we've had some further input since the last meeting from Sylvia but I think it's only Sylvia that's added comments.

And so I'd like to check that and also confirm where we got to at the last meeting, which comments – because we systematically read through the comments with Alan leading the call, and I'd just like to check to which point we got to. Thanks, so Marika says that the only comment on the review of comments that we are working on at present is from Sylvia in writing. And we got to Item 22 last time around.

So just give it one more minute while we link up and then we'll commence in earnest.

Alan Greenberg: And I assume the document sent out on the 29th is the one we're working on right now? It's Alan speaking.

Jonathan Robinson: Thanks, Alan. Marika confirms in the chat that is correct. And, Olga, welcome. Okay so let's – just really welcome you all, including Olga now who we have on audio, to the meeting.

We have four items we're going to cover and we've dealt with the roll call and the initial welcome. What we want to do is look at the timeline, which you see up in front of you and then continue our review of the comments on the draft charter, which we received in – at the previous ICANN meeting in Helsinki. And the objective there is really to actively consider each comment and decide what, if anything, we intend to do with each one. And you've

systematically been through it on the previous meeting up to 22 so I'm optimistic we should be able to deal with that.

Where that then puts us into a position is redrafting the charter. And I'm hoping and expecting that we might be able to integrate those efforts or those outputs into the charter with the help of staff and then we'll need to review that charter with all of the changes in and make sure we're not conflicted and there are no other changes at which point we should be in a position to publish it to the chartering organizations.

But thinking through that process myself, and I welcome any other comments, and when I reflect back against the timetable you see in front of me, I think we're not in line with our timetable at this point. In particular myself included, no one has added anything to the comments in the interim between now and our last meeting apart from Sylvia.

So any – I mean, my thoughts on this timetable is that it's become too ambitious as we stand. I mean, I don't see us distributing a charter, which is Item 4, and the next item from this week's meeting, I don't see us distributing a charter to the SOs and ACs to identify whether there remain pertinent issues that prevent them, I mean, I don't think we have a sort of final draft, if you like. Do others have a different view?

I mean, it feels to me like we need at least one more meeting on working on the charter before so we're at least, if you like, a meeting or a point behind on this. Marika, why don't you come in? And I note your agreement in the chat with that position, Sylvia. Marika, you go ahead.

Marika Konings: Yes, so this is Marika. So the – we did outline two options with Option 1 being, you know, being able to have a first meeting of the CCWG at ICANN 57. And Option 2 more aligned with having potential approval of the chartering organizations in Hyderabad. But I think in both timelines there's

obviously some flexibility especially with regards to the time that's provided to the chartering organizations to review the charter and provide input.

So there may be an opportunity there to shorten that timeframe if there's still a desire or commitment to try to achieve either Option 1 or Option 2. And then of course there's as well the suggestion that Sylvia has made is that if people are willing, indeed, to, you know, try to move things a bit quicker along, you know, one option would be to, you know, give everyone say a week to go through the comments review tool and add any perspective that people feel are not expressed yet.

I know that several of you have, you know, gone through all or some of the comments so if you believe that certain views are not expressed or you just want to add your support to, you know, one or other perspective you can do so. And then after that maybe staff can then take indeed that input and produce a next draft of the charter. And that then could happen slightly in parallel and hopefully have that draft charter ready then for the next meeting if we continue on the two-week schedule so it would be in two weeks have that ready in time for that meeting and hopefully then be able to make, you know, progress by having a next draft available.

And I'm not sure if we would be able to finalize work in one meeting. You may want to decide and to have another meeting maybe shorter of closer instead of the two week timeframe to be able to wrap things up which may still keep you relatively close to either Option 1 or Option 2 which then to a certain extent, of course, will be determined by the final submission date of the draft charter to the chartering organizations and then as well dependent on the feedback that comes back whether further work is needed or whether the different groups believe the charter is in a – in a state which they can move forward with it.

Jonathan Robinson: Marika those are – that's helpful input. And I note the various comments in the chat including the issue of the tension between making sure we place

enough time to do the work thoroughly and make sure that the chartering organizations have time to deal with any material we produce, let's not let that drag on too long. So we've got to manage that tension, and I think we can do that.

I certainly like your idea of the parallel production of the charter and the – using staff's efforts to integrate the work that we've done to date and including today into a next version of the charter. So I like that idea. And I think we should seriously consider that and probably go ahead with it if there are no objections or concerns.

Alan, your input.

Alan Greenberg: Yes, thank you very much. I agree. I think given how much we did last time, this – sorry, my mouth's not quite in gear yet. How far we get today is going to be critical of indicating when we can finish or is this going to be a longer process than we envisioned. So I think it's premature to try to adjust the charter – the timeline today but based on what comes out of today I think we can do that.

And I apologize for not submitting my comments. I did last time at the last moment and I hoped to this time, time just got away from me though. But I think to the extent anyone can contribute comments, that would be useful.

With regard to that, though, I have a question. Marika said we got up to – we're ready to do 22 and I think that's correct. But I see that Sylvia seems to have made a whole bunch of comments on the earlier ones and I'm not quite sure, are we going back to them or what – how we're handling this? Thank you.

Jonathan Robinson: Right, so there's a few points there. I think the...

Alan Greenberg: Sylvia says she didn't but I see red that was added on the 29th so I'm a little confused.

Jonathan Robinson: Yes, I mean, my understanding was that Sylvia's comments had gone to the document. Marika, your hand is up. Let's deal with this practical point first and then we'll come at the others. Go ahead, Marika.

Marika Konings: Yes, this is Marika. So, yes, I believe that Sylvia added some feedback to some of the earlier comments but maybe a way forward might be as staff goes through the overall document we can try to see if any of those are, you know, conflicting what the agreement of the group was at the time that comment was originally reviewed.

And if there is any conflict between those we can maybe bring those back to the group or in the revised charter basically note, you know, the two options or, you know, where the differences lie so that can then be more concretely discussed by the drafting team instead of going back maybe to the review tool itself.

Jonathan Robinson: Yes, I think that seems like a reasonable view. I mean, I had a look at some of those this morning and just at a very high level I don't recall seeing significant conflicts to other things. So as Sylvia says in the chat that maybe that these are largely self-consistent anyway but if we do identify some conflicts or some lack of absolute coherence we can deal with those either by revisiting them in the table itself and/or reconciling them in their input into the charter.

I think the most important thing to do is that we give a decent first pass after all these comments and given the due consideration and ideally try and form a group view as to how we intend to deal with them. Certainly I was in a similar position to Alan and, I mean, not strictly relevant to this group but for information I'm pretty absorbed with the PTI and IANA stewardship work at the moment. It's coming to a head because of the pressure on the transition.

So that's causing my own personal conflict of time there. It's not through the lack of interest in any sense in the work of this group.

All right, well I feel what the decision is here is, at the moment, is that we stick with this timeline and/or the version 2 of the timetable. There's not a – while there's a recognition that this is not likely to happen in exactly this form, it's quite hard to make a substantial modification until we see how we get on today. So I think we retain this timeline for the moment, but we recognize it'll have to at least be tweaked.

And that – thus in a position. And we – to start to work with the comments. I think we put an action on staff to, in parallel with our work on the comment tool, to start to draft the integration of those outputs into the charter between now and the next meeting and commit as best as possible to engage on the list of any other open items between the calls.

Yes, Sylvia, thanks. And note your point that you didn't add anything that we didn't discuss in the meeting. I think the only issue will be to is to the extent that it was your own opinion and the group in some way agreed to go down a slightly different route, but we'll see, as Marika says, I'm sure she can either reconcile them or bring them back to the group and we'll deal with that.

All right so without further ado I suggest we – unless I'm missing a key practical point, I suggest we go on to the comment tool and pick up where we left off around Item 22 and take it from there.

So onto the next section of our agenda. There is the review of the comments. And you should all have individual scrolling rights. So direct you straight to the page in question, which is I think we – let's just move, in fact, to Page 17. Page 17, Comment 22.

And so we – here we have a suggestion – and just as a point of process, I think if you agree no need to comment now. I'll ask for any disagreement or

any additional comments .and that may help us to move through it a little faster. So no need to indicate if you agree. Silence will be taken as assent. If you disagree or want to change, of course by all means, raise your hand. And hopefully that can help us work through these as efficiently as possible.

By the way, for interest, 22 is about halfway through so well done to Alan and the group for getting halfway through last time.

So here we have – many outside of the CWG have experience with the allocation of funds and the CCWG may benefit from that expertise. The charter deals with this issue, including possible expert participation. And, you know, I put my comment that I agree and welcome this. And Sylvia too. So I think the action taken is that the CCWG will be encouraged to take outside or expertise and expert participation wherever possible and appropriate.

Alan.

Alan Greenberg: Thank you. I think the question here is whether we put in the charter that it will have, which would imply we'll do a call for experts at the same time as you would do a call for membership. So that's the decision I think we need to take.

Jonathan Robinson: Okay so here – okay, Marika, come in.

Marika Konings: Yes, this is Marika. I think the challenge there might be, and maybe looking at how it's done in other working groups, when there's a call for volunteer, we normally spell out, you know, those with expertise are particularly encouraged to join or is welcome if that kind of expertise is available. Because I think the challenge is if you create a kind of separate call for volunteers it may create the impression that also gives a separate status and that would also then require some kind of evaluation of those that identify as experts.

So, I mean, I don't think you're prevented from going down that path but if you are going to a separate kind of expert group or experts that are part of the CCWG you also need to think through then, you know, who does that selection, you know, what is their role, how do they participate? So I know that (unintelligible) accountability had this separate set of advisors or experts; I don't know if that's, Alan, what you had in mind or whether it's sufficient to just, as part of a call for volunteers, identify the specific set of expertise that would be really welcomed in volunteers that join the group.

Jonathan Robinson: So in essence the proposal would be twofold. And I'll come to you in a moment to see if this would satisfy your requirements, Alan. The proposal would be CWG – the DT specifies desirable expertise in organizations making their appointments or members taking up and we encourage the CCWG to take advantage of relevant expertise where appropriate. Would you want more than that, Alan?

Alan Greenberg: I actually wasn't saying we should do it, I just said we had a decision to make, and I think we've made it. I tend to agree with Marika. If we put – if we did a call for experts now, we would have to specify them in more detail. We would have to evaluate them. And to be candid, if you look at what happened on the CCWG Accountability, we ended up with some experts who seemed to make sense to the reviewers before it started but didn't necessarily make sense operationally. They didn't necessarily contribute an awful lot.

And we had expenses associated with it in that case, which may or may not be the case here. So I think the CCWG is going to go on long enough that I don't think there's a huge problem in not having them from Day 1. So I tend to agree with the decision. I wasn't recommending that we do it, I was just saying we need to make it clear which route we're going on. Thank you.

Jonathan Robinson: Thanks. So rather the decision, the point as articulated by me a moment ago, Alan, and that's what you mean, right?

Alan Greenberg: Yes, correct.

Jonathan Robinson: Ye3s, thank you. Go ahead, Asha.

Asha Hemrajani: Yes, thank you, Jonathan. Can you hear me?

Alan Greenberg: Yes.

Jonathan Robinson: Yes, loud and clear.

Asha Hemrajani: Okay great, thanks. Yes, I couldn't hear Marika too clearly because she was speaking very quickly. So I'm just going to guess as to what she was talking about. So we have two options. One is to specify outside experts at this point in time or the second option was to identify the skills we want and then look for those skills in the pool of volunteers that we have. Is that a correct thing – is that what you said, Marika?

Jonathan Robinson: Yes, that's the sort of new hybrid, Asha.

Asha Hemrajani: Okay, all right.

((Crosstalk))

Asha Hemrajani: So if that's the case, I would like to, from my perspective, I think, given the questions we've been having or the discussions rather we've been having on fairly early on in the – in drafting the charter about whether we should split the money into different buckets, about the level of – the – how strong the – or how tough the conflict the interest should be, we've been having quite deep discussions about allocation of funds.

So even though we're in the first phase of the three stage process, so I would think, actually, that it would be helpful to get experts – specific experts, who are not from the community or the people who normally attend ICANN

meetings or who are normally in Internet governance, who are more – who are experienced with fund management or with nonprofits, somebody, for example, with experience with the Bill Gates Foundation. And I'm just giving an example, to come and help us either the charter – either the drafting team or even with the CCWG.

So I would think it would be worthwhile for the drafting team to say something along those lines that CCWG should make the efforts to look out for – look for experts that can help them and these are experts who may not be in the Internet space but who are familiar with how to deal with dispersing funds.

We may have that expertise in our volunteer pool. That may well be the case. But we should also be open to looking for this expertise from outside. I don't think it would cost too much. I think if we exercise caution and common sense this will not be the same as the lawyer – how much the lawyers cost us in the CCWG Accountability. We did have, as Alan mentioned, three lawyers – sorry, three experts that were part of the – that were – they were three experts to help us with the CCWG Accountability and – sorry about that, my son.

We did have these three experts but they didn't cost us anything. And I agree with – sorry, with Alan, that maybe perhaps they were not ideal. They didn't really work out. They may not have worked out. But that's a separate issue. I think here in this case we're now talking about experts – we're now talking about what the charter should say about the experts. So there is no harm in asking in the charter saying that it would be a good idea for the CCWG when they're convening to look out for experts to help them because I think we should not be restricting ourselves to just the members of the community.

In fact, I think it would help – it might help if we could have somebody from a charitable organization come and speak to us, give us a short – a talk for free on an Adobe call to give us their inputs on how large funds are managed.
Thank you.

Jonathan Robinson: So thank you, Asha. And I'm just going to rearticulate what I said before because I think it's consistent with what you are suggesting and then we'll go to Alan and then Marika. What I suggested – and I think we need to be very – we need to be clear here because we are going to go out and seek members from the chartering organizations and also we will be open to broad participation.

So in making that call, we can specify, and I suggest we do, and commit to this, that we ask for certain expertise where it's possible. In other words, we create a working group with as much internal expertise as possible.

In addition, and to supplement that, I suggest we also seek – we suggest to the CWG that as an early part of its work it seeks to bring in specialist expertise to aid the work of the group. As to your third point, whether we get some expertise in – to give input to the drafting team, I have an open mind on that. It may – and how we would do that so I won't respond to that right now.

Let's go to Alan and then to Marika.

Alan Greenberg: Yes, thank you. I was just going to confirm that I think what Asha is suggesting is not dissimilar from what you had suggested that we suggest strongly to the CCWG that it consider this, and we may even list some qualities that we're looking for, although they're clearly not bound by that.

But it's curious, at least one of the items that Asha mentioned as a rationale for needing experts, I would think is not an expert issue and that's a decision on whether we divide the money into buckets or have it wide-ranging. Steve Crocker has suggested that perhaps we have three very narrow buckets and restrict the CCWG restricts further use into those buckets. I'm a believer that we have – that we keep it wide open. But that I think is an ICANN decision, not an expert decision. I think that's a decision on how we want to use our money. Thank you.

Jonathan Robinson: Alan, may be premature, it may be that that's something the CWG can consider. I mean, I think...

((Crosstalk))

Jonathan Robinson: ...let's – yes, let's not open that one right now because right now we're talking about expertise; that's the topic here that's Point 22 that we'd ideally like to move on from so let's hear from Marika and then Sylvia.

Marika Konings: Yes, this is Marika. And I'll make it very short but I'll try to speak slowly. I think just to confirm that I do believe the charter already currently foresees this ability for the CCWG to explore external expertise if and when needed. And maybe to also share that at least from experience with other working groups a form that may also take is a number of questions that are identified by the CCWG that then are put forward to, you know, those that are deemed experts.

It doesn't necessarily need to be a kind of, you know, standing engagement of any kind. I think we've already seen a number of ccTLD colleagues that were very happy and willing to share some of their experience. So I think there's a, as the charter currently looks but of course, you know, staff will review that based on the conversation here. I think there's already a lot of flexibility and, you know, recognition of the fact that, you know, external expertise may be needed but that's for the CCWG to identify as part of its process.

Jonathan Robinson: Thanks, Marika. And just to be clear, there is no presumption that that expertise is either paid for or not paid for; that's a separate question. Asha, is that a new hand from you? If it is, please go ahead.

Asha Hemrajani: No it's not, sorry.

Jonathan Robinson: Thanks, Asha. So...

Asha Hemrajani: Hello, can you hear me? Hello? Can you hear me?

Sylvia Cadena: Hi.

Jonathan Robinson: Yes, I think we hear you.

Asha Hemrajani: Yes, I was saying no it's not an old hand – sorry, it's not a new hand. I brought it down.

Jonathan Robinson: We're waiting for – I heard that, Asha, we're waiting for Sylvia now.

Asha Hemrajani: Oh okay, okay, all right, I thought you said my name again. Sorry about that, all right.

Sylvia Cadena: Thank you, Jonathan. I think well I already wrote it on the chat that I think it's a bit premature for us to identify experts or call for experts at this stage. I think we don't really need to go that far. I think that's probably what would be good to add to the charter would be like broad lines of what type of advice might be needed (unintelligible) at the saying that the CCWG will be encouraged to look for the advice they need at the time that they identify it or whatever.

And I agree with part of what Asha said about having people that are not necessarily part of the Internet community to be the ones that are considered experts, and I agree that that's something that is particularly needed. In my opinion, that applies particularly to the legal advice in terms of how other nonprofits administer grants to keep their tax exempt status (unintelligible).

I think that's only – that is something that not necessarily ICANN staff has in their team and it would be really important to highlight from the beginning to make sure that they have access to that information from someone that

knows like the types of foundation or something like that in the States that manages funds for – external funds for third parties.

So, yes, that's all I wanted to say. That's it. Thanks.

Jonathan Robinson: Thanks, Sylvia. So I'm going to just – I think it feels to me like we are in agreement with one another and we have a response of an action that we need to take. So I'm going to move us on and remind you all that we've taken 15 minutes on one out of around 20 that we have to go, which would leave us with 300 minutes of call time if we were to continue at that pace. So that dealt with 22.

We have a response that we will seek expertise in participants. We will encourage the CCWG to take advantage of expertise in addition to that of the participants as and when it has the questions to deal with it.

So Item 23, the comment was that CCWG members and participants need a good understanding of the ICANN ecosystem. And so I see a hand up from Lyman. Go ahead, Lyman.

Lyman Chapin: Yes, thank you, Jonathan. I wanted to make sure, after reading Sylvia's comment after mine, that it was understood that I was not arguing that understanding of the ICANN ecosystem was a bad thing or in itself could be considered a conflict of interest. But a sort of corollary effect of focusing on people who understand the ecosystem, a side effect of that might end up being focusing exclusively on what are called insiders. And so I was – it was more of a warning than a suggestion that the criterion itself was inappropriate.

Jonathan Robinson: That's helpful to clarify that. I mean, personally my interpretation of this would be that we don't – that the CCWG should stay silent on this. We should look for – we should seek expertise as we have said, in Item 22, related to

the work of the group. I don't think we need to go on either side of this particular point. So that would be my suggestion. Marika, go ahead.

Marika Konings: Yes, this is Marika. Just to note that in relation to members I think we already identified that, you know, one of the criteria that's desirable, so the requirement that's desirable is indeed a knowledge of the ICANN ecosystem as well as beyond. But I don't think that the charter does – had that same requirement for participants. But that would also go against what current practices, because I think at the moment, you know, participation is open to anyone interested and there usually is no, you know, set criteria that's applied.

Again, the call for volunteer may identify what knowledge or expertise is maybe helpful and useful but it doesn't say if you don't have that you cannot join.

Jonathan Robinson: Point on desirable qualities but none of it is mandatory. And just to be clear. Erika, go ahead. (Unintelligible) Erika, at this stage. We don't hear you. Erika, we'll move on as per your suggestion in the chat for now.

So the CWG response to Comment 23 and suggesting – and I hope you – don't think you're disagreeing – is that we retain what we have in the charter, which says that as part of your qualification as a member it's desirable, but not necessary, to have a good understanding of the ICANN ecosystem and no such constraints or even suggestion is – exists in the participation – in the set for participation. So that's where we are at the moment.

I'm not seeing any notes in the right hand column on notes with respect to Comment 23 so I don't know how this is being captured. Erika, come in again.

Erika Mann: Yes, let's try with working, Jonathan. Thank you for being patient. Can you hear me?

Asha Hemrajani: Yes, you sound great.

Erika Mann: Can you hear me? Jonathan, can you hear me? Everybody else?

Asha Hemrajani: Yes, I can hear you, Erika.

((Crosstalk))

Jonathan Robinson: ...hear you, Erika.

Erika Mann: Good, perfect. Thanks.

((Crosstalk))

Erika Mann: So what I think I'm trying with it, I just want us to be open-minded with regard to the term "ecosystem." Sometimes the word "ecosystem" can be understood quite narrowly and sometime it can understood in a broader sense. So I think what we mean here is that if everything which falls so that people do have an understanding in a broader sense about ICANN. Doesn't have to be somebody who understands all of the specific areas and the internals but it shall be an entity which is aligned with – and with ICANN sufficiently.

Jonathan Robinson: Okay so the question then, back to you, Erika, is do we change anything? Because really we just need to – I mean, we have something in the charter that is not mandatory and we need to simply create the response from the CWG to Item 23 which is – which we kind of have a draft response here. Do you need – have a look in the top right hand corner of the notes and see if you think we should respond differently, is that good enough? Silence again I'm afraid.

Go to Alan and then perhaps come back to Erika.

Alan Greenberg: Yes, thank you. Recall the reality is the groups appoint and anoint someone. We don't really have the ability to rejecting them because they don't have the right skills. So I wouldn't make a big thing of it.

Jonathan Robinson: Thanks, Alan. And note that Erika says the same in the chat. Asha.

Asha Hemrajani: Thank you, Jonathan. So you were talking about the notes on the right hand side, for comment 22, correc?

((Crosstalk))

Alan Greenberg: ...23 I think.

Asha Hemrajani: Twenty-three. Okay, let me just read it out so that I'm clear. So charter already indicates knowledge that is desirable for SO AC-appointed members, not appropriate to do so for participants as a qualifying criteria. Although call for volunteers may identify what knowledge is desirable. Now, the – this is the thing I have a little bit of an issue with. So with participants I think I agree and I'm fine with that.

The issue there is on the members. So if we are only restricting it – I know we are only restricting it to – this is – how shall I put it? This is something I would like to open up for discussion and see whether there is something we can do.

Right now, the way we have it is members are only coming from the SOs and ACs, and the problem is that we may not have people from SOs and ACs who are experienced with disbursing funds. So how do we bring in someone who has experience in disbursing funds and can be a member? Is that possible?

Jonathan Robinson: I think we're now mixing 22 and 23 up. That's partly because the notes aren't – don't – I don't think they accurately reflect what we discussed on 23.

So we're now drawn back to 22. And please, Asha, if you could look at Comment 22 and see if that deals with 22 satisfactorily. Really, that's the point that deals with 22 on expertise.

Asha Hemrajani: So you want me to read 22, the CCWG to be encouraged to seek expertise participation wherever possible and appropriate. Charter should encourage CCWG to ensure relevant experience contained within the composition of its membership. Okay. So membership meaning as in members, not as in participants. In addition suggest that the CCWG that at an early stage it should seek to bring in specialist expertise to aid the work of the group. Okay, yes, yes then I'm fine with that. Thank you. Thank you for your patience on that.

Jonathan Robinson: Asha. No problem, we need to get it right. So on 23, the question is not on this kind of expertise; this is on the good understanding of the ICANN ecosystem. And here the charter already indicates it is desirable for members to have a good understanding of the ICANN ecosystem but it doesn't make it a necessary condition of membership or participation. In fact, it is silent on this point in terms of the participants.

I'm a bit stuck here because the note – I don't understand. Who's writing the notes? Is it David or Marika? Can I just check that? I'm not sure who to talk to about the notes.

Marika Konings: David...

((Crosstalk))

Jonathan Robinson: So Comment 23 is not accurate to the comment, David. Because essentially we're saying that the – the Point 23 says – talks about CCWG members need a good understanding of the ICANN ecosystem. We're essentially saying we leave it as-is in the charter currently, which as I

understand it, says that this is desirable for members to have that knowledge but it's not a necessary condition. Asha.

Asha Hemrajani: Yes, so I'm just now referring to what Sylvia typed in the chat. So I was talking about appointing members who are not from the chartering organizations and Marika says only chartering organizations can appoint members. So I'm just – I think what the text that's already there, if it's cleaned up because it's not very clear right now, but if my interpretation of that text for Comment 22 and Comment 23 is that we are encouraging the CCWG to be broad-minded and to encourage their chartering organizations to appoint members who may not necessarily be long-standing members in that particular SO or AC.

So, yes, it's the chartering organizations that appoint the members, but they have the flexibility or the right to go out and look for someone who may have expertise in fund disbursement to be appointed as a member of this particular CCWG. So on one hand the SOs and ACs are doing the appointing but on the other hand we're encouraging them to look outside of their normal circle of people.

The same people tend to get appointed to the CCWGs and we're asking – I'm suggesting here that we should encourage a bit more broad-mindedness and say, hey, please look for somebody who has expertise in fund disbursement and not necessarily somebody who has been in the organization for a very long time or is very deeply rooted in Internet governance. How does that sound?

((Crosstalk))

Jonathan Robinson: Let's be clear here. First of all, what are we trying to achieve here? We're trying to go through the public comment tool kit and make sure we have considered the input and ultimately that that is reflected in the charter. So to decide in relation to each of these comments what action we're going to take

if any. So that's what the output at each point should be. And I'll remind you that we are half an hour in on two points.

So let me hand the microphone over to Marika next.

Marika Konings: Yes, this is Marika. If I can maybe just make a clarification I think, you know, everything that Asha said is already we're seeing in the charter, the chartering organizations are encouraged to identify members that have, you know, certain expertise and knowledge. But I do want to point out that the role of SO AC or chartering organization appointed members is mainly to take feedback back and forth between the chartering organization as eventually of course, the chartering organizations are the ones the need to approve the eventual recommendations.

So it's not necessarily that members have the role of experts. So regardless if a chartering organization identifies in addition to those that they want to appoint as members, those that have specific expertise, they definitely should also be encouraged to participate and they can do as participants. They participate in the same level, it's just that they don't have that function of liaising between the CCWG and the chartering organization nor should there be a need for a consensus call that they wouldn't participate in that.

But as the charter I think also identifies, is that the idea is that there is no need to, you know, go only to the members and that, you know, consensus needs to be sought in the full membership and participants of the group.

Jonathan Robinson: ...and essentially reiterate that that's in the chat. Alan, go ahead.

Alan Greenberg: Thank you. Just to note that we do have the ability should we choose, to identify targeted other organizations where we want members. The CWG stewardship did that. However, we haven't identified any to date and I see no reason to go in that direction. But just to be clear that is something we could do should we choose. Thank you.

Jonathan Robinson: Thanks, Alan. Okay can we move on then with some confidence? Let's move on unless there's anything more to be said on these two points. I think we've done them pretty well.

Alan Greenberg: I'm not hearing anything, Jonathan. If you're talking you have gone mute or dropped off.

Jonathan Robinson: I was just...

((Crosstalk))

Jonathan Robinson: Thanks. So then the next point is that the number of seats allocated is too limited, not even one per SG/C in the GNSO. Expertise and knowledge are important. Think flexibility about the numbers. Are we clear (unintelligible) aspects and the list? Well this is quite a broad comment. It essentially deals with three different things I suppose, number of seats, expertise and knowledge and self-dealing.

In terms of number of seats, I wouldn't mind a reminder, what did we have? Four per chartering organization? Marika.

Marika Konings: This is Marika. I believe we currently have two to five or maximum five. And again, if I can reiterate the point that I made before, I think it's important as well if people understand what the role of chartering organization's appointed members is. It doesn't prevent others from participating or additional members of a certain group to join as participants, those appointed members have the specific role of liaising between the CCWG and the chartering organization that has appointed them and, you know, should there be a need for a consensus call that's where members come in.

And again, that is expected then to reflect of course that the views of, you know, the chartering organization who eventually will need to approve the recommendations coming out of this effort.

Jonathan Robinson: Thanks, Marika. Well that feels to me like we've just articulated a draft answer. Does anyone have a different view of what Marika has just said there would like to see it representative. I'm not seeing any hands so I think that answer is articulated by Marika is the answer certainly to the limited seats for membership.

We've dealt with expertise and knowledge in Item 22. And I think in terms of are we clear about self-dealing aspects and the risks I think we can say the CWG has given considerable attention to the issue of conflict of interest and I think that's as much as we need to say for the moment because we will – it will be dealt with in other areas.

Marika, is that hand a new hand or was that your previous hand? Go ahead, Alan.

Alan Greenberg: Yes, just to note on 24 that clearly we cannot be in a position – we, ICANN, and the future CCWG of expanding working groups unlimitedly because particular subgroups have, you know, have added a lot of constituencies or things like that. So the concept is interesting but it's not something we can guarantee to. And we've agonized over the number an awful lot already. Thank you.

Jonathan Robinson: Okay so, again, the key is to produce a draft answer or at least an answer for 24 and then we're going to rely on staff in the interim to map that t back into the charter and then we'll get to review the charter on the next call so I think we have an answer on that one. Let me move us on then to one which is now a Board recommendation.

And this says that – recommends that the language relating to specifically Board committee chairs be removed. The Board will appoint general liaisons which may or may not be the identified chairs. And so on. So I think we've previously identified chair of audit committee, finance committee.

I see a checkmark from Alan. I agreed with it in the previous review of this. Lyman has agreed with me. And Sylvia, I think your point is slightly tangential to this. This is not about – well, I guess there's no suggestion that a Board member would chair this group. I think that's not in play at this stage. It was really that we'd specified that we wanted a chair of the audit committee and chair of the finance committee and we just simply – don't require that so I think that's what we're suggesting here. We don't require, just have two Board liaisons. Is it two? Can you confirm that, Marika? Are we suggesting two Board liaisons within the CCWG?

Marika Konings: Yes, this is Marika. I think if I recall, well, I think we basically followed the model of the liaisons that had been appointed here which was two each – one from each committee.

Jonathan Robinson: Thanks. Don't specify, just give us two Board liaisons. And personally I'm okay with that and I think others seem to be as well. David that's adequately captured in the chat providing no one else has another point on it.

Okay, let's move on then to Item 26. And given the Board's role in considering the CCWG recommendations, it agrees with the drafting team that it does not need to reaffirm the charter. Now this is more subtle because we had previously asked in a separate point for the Board to consider its statement of intent.

So if it was me reflecting that what I would be saying is actually the CCWG has asked the Board to indicate and Sylvia agrees with me, what – how it will deal with these recommendations in a more substantive way because – and the thinking here is that the community – us – is going to make such a great

effort on all of this and if the Board, in principle, could just say, thanks very much but we're going to leave this and not doing anything with it. And maybe Asha or Erika, you can comment on progress with this – this particular request, which is related to the answer on this one.

And before that, let's just hear from Marika who had her hand up. Marika, go ahead.

Marika Konings: Sorry, old hand.

Jonathan Robinson: Thanks. Okay go ahead, Asha. Erika notes that she'll defer to Asha. But we don't hear Asha yet. Asha, check if your mic is on again please?

Asha Hemrajani: Can you hear me now?

Jonathan Robinson: Asha, I hear you.

Asha Hemrajani: Hello? Hello. Hello.

Jonathan Robinson: Hi, Asha, we hear you fine.

Alan Greenberg: We can hear you, Asha.

Asha Hemrajani: Oh okay, great. All right great, thank you. Yes, so regarding how the Board will deal with the recommendations, so we have drafted some language and we have sent it to Board members for inputs and comments. And we have received those comments and now we are in the process of consolidating all those comments to see how we can come up with the next version. So we're currently still in the process of working on this so please give us a little bit more time.

Hello?

Jonathan Robinson: Asha, that's very helpful to know. In terms of our response to Question 26 then, we can say that the DT will seek to gain further clarity on the Board's – to dealing with the recommendations of the drafting team. So we're seeking further clarity at this stage and then depending on what comes out that will become know. That's fair enough to everyone. And, Asha, did you want to come back with any more?

Asha Hemrajani: No, that's an old hand.

Jonathan Robinson: Asha, so that's helpful then.

Asha Hemrajani: That's an old hand. Thank you.

((Crosstalk))

Jonathan Robinson: Checking the notes here. The drafting team will seek to gain further clarity on the Board's commitment to dealing with the recommendations. I think it's of the CCWG, not of the DT and the CCWG, it's just of the CCWG. And forgive me if I said that wrong.

Okay good. So then we move on to Item 27. What are the criteria are you going to use to rank or grant requests? Failure on consumer awareness on new gTLDs, which are the source of these funds, timing is an issue as completion of this process may take years. Not to be debated as part of the DT will be for the CWG to consider. Well that's – that sounds like part of the answer.

And then Sylvia has put in that she agrees it should be for the CCWG to decide the criteria. It may be useful to stay on the charter that they should come up with a set of criteria exactly.

I think from the DT's point of view, this is outside of the scope for the drafting team. This is something that will be worked on by the CCWG for eventual

action by the mechanism process or entity that grants the funds. So – and Asha and Erika both agree that this is outside of scope. Any other comments on this one? You see that (unintelligible) answer up in the top right hand corner. Alan.

Alan Greenberg: Yes, just a quick comment. This is one of those things that I don't think it is optional for the CCWG itself. In theory, it could let – leave it to the dispensing body to set the criteria but I think this is – this is the key decision on the use of ICANN's money. So I think this is a CCWG responsibility as opposed to something they could do. Thank you.

Jonathan Robinson: I think certainly from a drafting team point of view, we seem to have, yes, and Asha highlights that part of the reason for this question was it wasn't clear what was going on. So we need to be – that someone in the audience may not have been clear that we were working in three different phases, drafting team, CWG, allocation mechanism. And that the purpose of clearly the CWG is to give birth to the allocation and disbursement mechanism.

So I think from our point of view we might say then, in addition to the answer – well so David, where you've got that it's outside our competence, it's not so much outside of our competence, it's just outside of the scope of the DT. And will be worked – yes, that's good.

((Crosstalk))

Jonathan Robinson: ...draft answer that David's captured there – or our draft answer and see if that covers what you need or if it needs to be anything more bearing in mind Asha's point, which is a very good one that this is partly – this question may be borne partly out of unfamiliarity with how we were working.

Thanks, Sylvia, and you note you're okay in the chat. All right that feels like a sufficient answer to me. If you have more come back and otherwise, I'll nudge us on to 28. Thanks, Alan, for your checkmark.

Again, there's a question here about how applicants are expected to report back. I think actually it can be as simple as saying this is outside of the scope of the DT. Reporting is anticipated to be a critical mechanism but it's outside of the scope for the drafting team. Any other comments or suggestions with regard to 28 in addition or in contradiction to that? Thanks, Alan, for your checkmark. Erika also agrees. And see other are typing. Olga, okay. Good.

I agree. Asha points out that we should be much clearer in where this fits into the scheme of things. I don't recall what we did say in Helsinki, Asha, but you are right, it's certainly something we should articulate plainly and clearly where this fits in so that people don't try and get too involved or involved at the wrong point in the process.

Alan, go ahead.

Alan Greenberg: Thank you. I don't recall if it's actually in the charter. I know it was a comment I made at one point earlier on that we should explicitly say that evaluation and reporting is – has to be part of the overall process. It's not likely they're going to miss that but I think that's a requirement because, you know, that's the only way that we have some audit ability afterwards that we've used the money to some extent wisely.

So if we aren't saying it in the charter we should include it that the CCWG should consider, you know, auditing, reporting, whatever.

Jonathan Robinson: That uses the word evaluation. I think that is a good point, Alan, that we should – Marika will check that that's in the charter. And I think it is a very good point that we should specify that any final solution, as David noted there, should cover evaluation and reporting. It is a valid point in terms of what we do already. So good, thank you, everyone. All right, let's move on to 29 then. Feels good progress.

Twenty-nine says that we are – that we need – that something is missing from the goals and objectives and that we will choose specific objectives. We put shape on it. And then Sylvia's draft answer says the charter might provide the framework – not sure I understand this point; maybe someone else can help me here on this one. When missing (unintelligible) okay, Erika, go ahead.

Erika Mann: Let's try if you can hear me.

Alan Greenberg: We can. You're cutting out.

((Crosstalk))

Alan Greenberg: Try again.

((Crosstalk))

Erika Mann: Can you hear me this time?

Jonathan Robinson: Yes, we hear you now, Erika.

Erika Mann: Okay. So I think that's a confusing term, the word "objective." Because I think it's up to the CCWG to frame later the scope and the – and this – I think we want to stick with the word "scope" for the funds. But objective, I'm not sure what this means so probably we should ignore this point.

Jonathan Robinson: Thanks, Erika. Your sound clipped in and out a little bit there. I'm reluctant to – we need to put some kind of answer in here even if, I guess, if we say we've considered it but this is not. We have to have some kind of draft in there. Sylvia, go ahead.

Sylvia Cadena: Thanks, Jonathan.

Jonathan Robinson: Great, Sylvia, if you could just bear with me a moment. Marika had dropped her hand I think in anticipation of speaking and then – and I didn't call for her to speak so just bear with me one moment, Sylvia. I'll go to Marika first and then I'll come back.

Marika Konings: Yes, this is Marika. Just trying I think to clarify what is probably here because I think this is both the comment and the answer that was given during that session where I think someone made the comment that specific objectives for the auction funds were not specified. And I believe then the response that was given by those either the drafting team members in the audience or the chairs on the stage was that that the CCWG will be responsible for choosing the specific objectives and shape those further. So I think this is actually a combination of the comment that was made as well as the response that was given as part of the session.

Jonathan Robinson: Okay so the suggestion might be to move this – the part after the colon to the right hand column.

Marika Konings: Correct.

Jonathan Robinson: Thanks, Marika. Go ahead, Sylvia.

Sylvia Cadena: Thank you, Jonathan. Well I think that the words need to be used a little bit more methodologically because we can give the CCWG, I believe, problem if we say that they need to define goals and objectives that – that those objectives and those goals were not only the projects (unintelligible) we have to be evaluated and assessed and that like generate a problem in the future in terms of the security of the funds itself, not of the project supported, how effective the ICANN allocation of funds has been.

So I think that it will be probably useful if we are trying to steer the CCWG to work to define the purpose of the funds in that goals and objectives, you know, can be moved along the way depending on what (unintelligible) funding

or what mechanisms they put in place because all that will be different later on. So I don't know if I'm making myself clear but I think at the overall umbrella it's important to have a purpose for the funds in general and then if the fund has an objective then those will have the same goals and those will have different ways of assessing them.

So if we don't use the words properly then we can (unintelligible) a lot of trouble trying to identify the whole evaluation mechanism for the (unintelligible). So I hope it helps. Thank you.

Jonathan Robinson: Thanks, Sylvia. Did you want to pick up from that, Alan?

Alan Greenberg: Yes. I agree with what Erika said and I think that's agreeing with Sylvia also. I would not tie the CCWG to having objectives. I think the CCWG is going to be responsible for scoping out what the funds are used for, be that objectives, goals, scope or whatever. So I think we want to make sure that we make it clear the CCWG is responsible but not tie them to the word "objectives."

Jonathan Robinson: And Asha uses the term in the chat, "high level goals." So hopefully drafted a response which is that the CCWG will be responsible for choosing specific objectives and shaping those further.

Alan Greenberg: I – it's Alan. I would not use the word – restrict it to the word "objectives." That may end up getting us into a bind.

Jonathan Robinson: High level goals, which was the...

((Crosstalk))

Alan Greenberg: ...goals, objectives or other ways of targeting the usage.

Jonathan Robinson: Okay thanks, Alan. Asha.

Asha Hemrajani: Yes, thanks, Jonathan. What I did – what I typed in the chat – those are not my words. I copy pasted from the notes. So I don't – I agree that we shouldn't have specific objectives. I agree with whatever Alan just said. So that's why I was suggesting as an alternative instead of using – instead of following what the notes have right now, which is choosing the specific objectives, we change it to high level goals or high level objectives but use the word "high level" instead of specific.

((Crosstalk))

Jonathan Robinson: ...as it's currently drafted in the notes on the right hand side does that now match what you would like to see?

Asha Hemrajani: Let me see. Yes. Okay. Sounds good. Thank you.

Jonathan Robinson: Thank you very much, everyone. So we can then move on I think and that's okay. Sylvia is okay. Shall we move on to 30. So here there's a point on 30 which is not so clear on a standalone basis. It says one-time funding is not necessarily one-time disbursement. And then Sylvia says she doesn't agree with that.

Let's let Marika come in before we come to Sylvia's response and then, Asha, if that hand remains up I'll come to you next. Go ahead, Marika.

Marika Konings: Yes, this is Marika. If I recall well I think the commenter basically noted that even though a one-time funding is provided it doesn't mean that that funding needs to be spent at once, whether that's in, you know, one disbursement or one organization or project or whether that has to happen, you know, it's all projects needs to be funded in one go. It could also be over a certain timeframe.

If I remember well I think this was what the person that made that comment tried to convey or confirm that the charter would allow for that. That it doesn't

restrict it to, you know, one-time funding and also spending everything at once.

Jonathan Robinson: We could say that the drafting team has no intention of restricting – of creating any restriction on the disbursement or something along those lines. Go ahead, Asha.

Asha Hemrajani: Yes, thank you Jonathan. So I thought that this was a misunderstanding because if I recall during the public session, because I took quite copious notes. When there was something – when there was a discussion along the lines of one-time funding, the discussion was about whether the funds that are going to be disbursed is a one-time thing or is that going to be a perennially topped up?

And so we had said – so correct me if I'm wrong, Marika, I thought that this was referring to that comment. There was somebody in the audience who said – who asked if this was going to be one-time revenue source and the answer – I remember I recall saying, yes, it's a one-time revenue source. So now what this says is a little bit different, which is this is talking about the how many times you can disburse to a single applicant.

And if this is a – if this – if this question was about how many times you can disburse to a single disbursement, a single applicant, pardon me, then I agree with what Sylvia says. I don't think it's – I think it's completely irrelevant and it's not in the scope of the charter. And neither should the CCWG restrict the number of times a applicant can apply.

In fact, I was studying what the Gates Foundation has been doing and they prefer to repeat disbursements to applicants if they – if the applicants are proving to be using the money well. Thank you.

Jonathan Robinson: (Unintelligible) venture capitalists or we might call something like follow-on funding. So here's a suggestion for you. We say that the drafting team

understands that this is currently a one-time funding event. The drafting team has no – takes no position on disbursement.

Asha Hemrajani: You mean, Jonathan, you're referring to the one-time funding; you mean the one-time revenue source, right?

Jonathan Robinson: Correct. We express it in those terms as one-time funding there under Item 30. So I'm just proposing a draft answer to Item 30, which you'll see now in the right hand side.

Asha Hemrajani: Yes, but I thought the question was about one-time funding – pardon me, one-time revenue source. I didn't realize that it was about multiple disbursements. Because I recall the question was about one-time revenue. But thank you.

Jonathan Robinson: Okay just – I mean, what I'm stuck with at the moment is how it's expressed under Item 30 so we just need to deal with that, either modify how it's expressed or respond to it how it is expressed. Marika.

Marika Konings: Yes, this is Marika. I just want to clarify that I wasn't implying in my response that this comment was about, you know, how many times an applicant could be funded because I don't think either that that was what was meant. It was indeed more the difference between the one off revenue source and whether that, you know, needed to be spend in one go, whether it's one applicant or multiple projects. But kind of in the same kind of timeframe or whether it should also be in the form of like endowment over a certain time period that it could be allocated. That was at least, as I recall, the comment, which I think is in line what Asha said. So I just wanted to clarify that.

Jonathan Robinson: Okay, so those are all helpful points in understanding it. Can you – can I ask you to cast your attention over to the top right hand side and see – and if that is a satisfactory answer in any event. Does it express our position, you

know, and in any event or do we need to modify that? Asha, I'm going to skip over you because I think that's an old hand, and come to Alan.

Alan Greenberg: Thank you very much. I would not use the expression "one-time funding." There has been some fair misunderstanding on the issue of one-time funding. There are people who presumed that we had \$100 million and, for instance, the \$135 million from the dotWeb is not part of our pool. I'm – I believe that our funding is the auction proceeds from Round 1 of the new gTLD process and we will not know what that is until all the auctions are finished.

But there are people who presumed that it was locked in when we started our discussion and anything else may go somewhere else. So I think we want to be clear about what the funding source is. Thank you.

Jonathan Robinson: Thanks, Alan. And you've got support from Lyman and Asha in the chat. So I think it's clumsy wording as it stands at the moment and I can take responsibility for it. So it's a – I'm just not quite sure what the right wording is. The DT has planned – this is currently a single revenue source, in brackets, derived from new gTLD auction proceeds.

((Crosstalk))

Alan Greenberg: Round 1.

Jonathan Robinson: Round 1.

Alan Greenberg: Yes, or we can be silent completely. The point is – the comment is talking about disbursements, we don't have to talk about the source. So we can be silent or we should be specific.

Jonathan Robinson: I just think it's a – it's potential ambiguous so there's no harm in us stating that response. Erika says, let's be silent. So let's just come back to it now. If I

could ask you to address your comments to how it's currently drafted our response, which is going to go in the fourth column there. Go ahead, Asha.

Asha Hemrajani: Yes, I'm tending to advocate being silent but the only problem is that now I'm looking at my notes. This was – this particular question came up three times. I could be wrong but maybe Marika can – this is why I was suggesting that we go through – that we record the notes very carefully on – from the public session.

But from my notes this particular question was asked three different times. So while on one hand it would be worthwhile to be silent because it came up so many times it might be worthwhile to also – it might also be worthwhile to clarify it. So I wanted to hear from everybody else what they think.

Or the other option is we don't mention anything in the charter about this. We are silent in the charter. But we answer the question in a separate Q&A document. That could be another option. Thank you.

Jonathan Robinson: Okay, Asha, I think I understand. My question I suppose is, what do deal with in the public comment tool? Because, I mean, what we're going to do is we're going to create this answer in the right hand column of the public comment tool and then staff are going to map these answers back over onto the charter. So is the answer on the Number 30 too explicit on the single revenue source?

I mean, I guess I could express the point of view that I have is clearly right at the moment, and we've discussed this previously, we've said that the funds derived from a single revenue source, as clarified in the point in parentheses afterwards in brackets afterwards, but that doesn't preclude any mechanism being developed to deal with the disbursement of these funds being used for any future funds should they become available.

But, yes, it's a question then of how, Asha, to your point in the chat, but maybe this is already dealt with in the charter. So are we, you know, the question is, is that – I think maybe we just need to be vigilant then when this comment 30 is mapped back into the charter that it's – because it's probably already covered in the charter and we don't need to actually map this point specifically across.

Can I get some clarity from Marika or staff? Erika, your mic appears open at the moment, just to let you know. Can I get some comments from Marika? What will be the status of those public comment tool? I mean, think, I mean, it's effectively public because it's a shared document so is that correct? Marika, that's a question to you.

Marika Konings: Oh, apologies, I just was talking on mute. This is Marika. Yes, if it's about the public comment review tool that's, you know, posted on the wiki and on the mailing list which is publicly archived so it's accessible to anyone interested.

Jonathan Robinson: So it's part of the record of this group. And providing we are happy with the response to Comment 30, which I think I am, I'm okay with that. I don't think it compromises us at all, it's then a question how that's mapped to the charter. And as I understand at the moment, it is effectively already mapped in the draft charter. So we wouldn't need to do any explicit additional mapping to reflect Comment 30.

Go ahead, Marika.

Marika Konings: Yes, this is Marika. If it is helpful, I mean, it will create some additional work is we could, you know, as staff goes through the charter we could flag where we believe certain comments are already addressed and as such may not need further clarification.

Jonathan Robinson: When would you propose to do that, Marika? As part of the parallel work on mapping it in?

Marika Konings: Correct.

Jonathan Robinson: Yes, I think, I mean, I guess you could just put that as a supplement under each item you put staff comment already contained in the charter. Staff comments added to charter here, or whatever, something, I mean, I accept it is a little more work but – or you could just, you know, you could keep it simple though if you just say if it's already addressed in the charter or something along those lines just even if it was binary but you may want to do slightly more than that. And then Sylvia points out that this will be – of course make it accountable as to where we did incorporate things.

Alan.

Alan Greenberg: Thank you. We discussed earlier whether this was a comment really about disbursement or one-time funding. And my question to staff is, is this the comment that is reflecting Elliot Noss's several interventions where he was adamant that this be one-time funding or is that covered somewhere else later on? I don't hear anything, I'm not sure if someone's talking or not.

Marika Konings: This is Marika. I'm quickly looking through...

Alan Greenberg: Okay sorry.

Marika Konings: ...comments. Not really sure if that is covered somewhere else or whether this was the comment. I mean, we can look back at that because I think indeed Elliot made various comments.

And just to note on the previous point, Jonathan, I actually had thought of it the other way around when going through the charter that I would actually highlight, you know, which sections basically already cover the comments that were made so basically if we already specified somewhere that indeed it's a, you know, one-time revenue and, you know, it's silent on disbursement

that could just highlight and saying, you know, this addresses comments – sorry, for example. And the other way around we can do as well.

Jonathan Robinson: Yes, that sounds – either way as long as it creates an accountable link between the two. I think let's give a – I think we've made a pretty good job of this. Let's give a last word – oh I was going to give a last word to Asha but I see your hand dropped, Asha. Did you want to say anything more, Asha, just indicate in the chat or re-raise your hand if you'd like.

Asha Hemrajani: Jonathan, yes, no, I typed it in the chat. It was Elliot who mentioned this issue about the one-off deal. He called it a one-off deal. And he says that this should – if it's a one-off deal then what I had written in my notes is we should go through the charter. I don't know what that means but I think, Marika, it might be worthwhile to – if we have the time to go back to see what was said for this particular – because it wasn't just this gentleman from Tucows.

I have in my notes here somebody else also talked about a one-time revenue versus one-time disbursement. So it is worthwhile to make it just to answer this – to address this point in to two – by answering it separately the way you have it now. One, about the revenue source and one about the disbursement. Two separate sentences. Thank you.

Alan Greenberg: Jonathan, it's Alan.

((Crosstalk))

Alan Greenberg: Could I get back in?

Jonathan Robinson: I think I perceived that to be an old hand. Go ahead, Alan.

Alan Greenberg: Yes. I agree with what Asha said. I think since I – if this is in response to Ash, then, yes, someone else said it also. We need to answer it specifically. But I

think the answer is our – the charter of the drafting team and the charter of the CCWG will be to address the disbursement of this one-time funding.

Should ICANN choose, in some future – some future process to take another chunk of money and use the same rules that the CCWG is setting up that's an ICANN decision in the future. We are looking only at a one-time disbursement. I don't think we can make a commitment that the results of what we do are not reused for some other largesse in the future.

Jonathan Robinson: Thanks, Alan. And just to be clear on, I mean, Marika highlighted that this comes up in Item 36, which we're about to come to. I propose there is another point here which is implicit in this, and maybe this is partly what some were getting at is that the disbursement may take – this drafting team, to the best of my knowledge, is not making any comment about the pace at which this disbursement takes place.

So whilst notionally it might be a one-off disbursement, this could take place over 10 or 20 years or 10 or 20 minutes. We're not assuming that. And we are just recognizing that, the pool of money, which is to be worked with derives from one particular source and the CCWG must work to build a mechanism or process for the disbursement of that and, again, whether that mechanism or disbursement takes place within 20 minutes or 20 years we're not specifying.

And then you make the point Alan, consistent with that that the CCWG may decide to use all of the money in one fell swoop. Sure, may donate it all to you or me if it is very wise in its thinking. Clearly that's not a point to be taken seriously. But, yes, it's up to the CCWG to do its work. Exactly. And Asha points out it might give it all to a foundation. It may decide – and Alan similarly speaks to leave us all recipients in jest.

All right, so let's move on then to Number – I thought it was Number 33, let me just make sure. No, we've got 31 and 32. CCWG should not – 31 –

CCWG should not be involved at all in anything related to funds disbursement. CCWG should propose mechanisms and/or structures that would independent of the CCWG in other words, establish the CCWG should resolve so as to avoid any conflict of interest.

Well my understanding is that Sylvia, in her comments, says agree 100%. And I think we could easily say as our response this is consistent with the drafting team's position. This comment is consistent with the drafting team's position full stop. Any further improvements on that or required changes? Erika agrees. (Unintelligible).

Okay so that – I think that's just good enough. And we can move on to 32. Like I said at the beginning, pull me back if I'm moving too fast or you disagree, but let's keep this moving. We've got some good momentum here.

Now under 32 we said, in the discussion – or just to flag with you on momentum. We're at 90 minutes into the call. My sense is that we should carry on and try and close this item out and work within the two-hour slot. Again, I'm sure you'll tell me if we need to do otherwise but it seems to me like we should use the momentum we've got and try and push this through. Thank you, Sylvia, for your support on that.

Okay so in the discussion, one – Item 32 – in the discussion one participant recommended the CCWG have a finite life and that distribution decisions not be made in such a way that distribution is strung out over time. A second speaker suggested that principles should not preclude distribution to a recipient seek long-term goals. Speaker also noted these principles should not be mutually exclusive. Internet Society agrees with both. Would be a monumental task to marshal the \$10 million over any short term period.

I think we just say that this is outside of the scope for the DT and for consideration by the CCWG. So response – sorry, Sylvia, I'm just checking your response. Okay. Go ahead, Alan.

Alan Greenberg: Jonathan, did you call on me?

Jonathan Robinson: Sorry, I (unintelligible). Go ahead.

Alan Greenberg: Yes, I don't think it's out of scope. The participant recommended the CWG have a finite life and that distribution decisions not be made in such a way that the distribution to be strung out over time. I think that – on the second is out of scope, but the implication of the first part of the sentence is the CCWG will be doing the disbursements. And I think that we need to correct that perception.

Jonathan Robinson: Fair point, Alan. Thanks for calling that out. So I think we say DT does expect CCWG to have a finite life, and that CCWG will not be involved in any distribution decisions, and that's it. Sylvia - that's my draft answer up there for Sylvia to reflect on in connection with your comment, or if you want more or different.

Sylvia Cadena: Thank you, Jonathan. Look. What I wanted to say on my comment on that column reset, or the - it is - or it will be for the CCWG to define what those (unintelligible) are.

One of the things that might be of concern is that just in the haste of trying to get rid of the money quickly, so that they don't have much pressure from people, they might actually not take into consideration issues around projects that require a more medium- or long-term approach.

So I think that's only one thing that we can say, although the second part of the comment is a little bit out of scope, in that at or including the least of recommendations that we have in the charter, and that the CCWG, I mean, does not restrict that the expenditure is done too hasty or whatever, but at the pace that is required for on a case-to-case basis, or according to whatever

mechanism they decide, but that is for the benefit of the order of the achievement of the high level goals that they will be deciding, right?

So it's not like, oh, okay, you are applying for a project that is sort of ten years, that will solve all the problems of, I don't know, X issue. Oh, no, because we have to send them the money in a year, and then use for something that (unintelligible).

So I think it's timing is also important for them to take into consideration. And I don't think we have in the charter that issue about managing the timing, thinking about what's best or what will produce the best outcomes, not necessarily what will (unintelligible). Thank you.

Jonathan Robinson: Sylvia, so does the Comment 32 up in the top right-hand side reflect that? Or would you like to see additional or modified content in that comment? If you would like to come in back in after Alan, then tell us how you would like to see those words change to get a better input there. Go ahead, Alan.

Alan Greenberg: Thank you. This isn't in response to this question, but it's just a note to ourselves. The last part of our answer says the money is going to - of Sylvia's answer, says the money will last a long time, but not forever. We don't know how long it's going to last.

If the funds include revenue from the funds, we may have as much as \$300 million. And at 6%, that's close to \$20 million a year. So right now the fund is a fixed amount, and I assume ICANN is taking any revenue that comes from its investment, if indeed it's invested at a significant rate.

One of the things we may want to consider putting on the CCWG's list of responsibilities is to decide, is there an investment strategy? Does the fund get revenue if there is any? Or does that go into ICANN in a different way? I don't think we've ever discussed that, and I think it's something we need to

think about whether it should be in the charter or not. So it's not an answer to this question, but it's a note to ourselves to consider it. Thank you.

Jonathan Robinson: Thanks, Alan. That's an important point. I mean I would expect that it's invested in a very low return secure position at this stage. And I might expect that until such time - well it's interesting, because it's going to be in two different positions until it begins to be disbursed.

I don't know at what point we would expect the community to have any view on the investment, or whether the Board would take a view on that. Asha, is that something you're able to comment on at this stage? I know your hand is up anyway, so go ahead and if you have anything to say on that, please do so.

Asha Hemrajani: Yes, I specifically wanted to comment on that. So I think you're spot on, Jonathan, in that the auction funds, the auction proceeds, are being invested, and they are - we do have a fund manager for the auction proceeds. So I think you're right in that I think that will continue until which time the proceeds are ready to be disbursed.

So I don't think that - I mean from my perspective, I think it wouldn't be necessary to discuss that particular area, because they are invested and there is a fund manager. And then what happens - and I think what will likely happen is that the funds will continue to be managed that way until the last dollar is disbursed, because you're not going to disburse all of the funds at one go.

Alan Greenberg: Asha, you're silent on who's getting the revenue, and who will get the revenue once the process formally starts.

Asha Hemrajani: Oh, okay. So you're right. I mean the funds - whatever revenue we earn from the investment will go back into the fund. That's how it is right now.

Alan Greenberg: Really? Because that number is not increasing. At least no one's mentioned it increasing.

Asha Hemrajani: What do you mean?

Alan Greenberg: Well we had...

Asha Hemrajani: You mean the size of the...

Alan Greenberg: We had \$104 million. No one has said...

Asha Hemrajani: Yes.

Alan Greenberg: ...\$104 million and growing, even though part of that money's been there for quite some time.

Asha Hemrajani: Well I cannot - I do not recall correctly what the performance was of the fund last year, but it wasn't a very high interest rate. It wasn't growing at a very high rate.

Alan Greenberg: Yeah.

Asha Hemrajani: So that could be the reason.

Alan Greenberg: Yeah, I don't think it's our mandate to talk about investment strategies, but I think we...

Asha Hemrajani: Exactly.

Alan Greenberg: ...should not be silent on whether the - any revenue is available for disbursement, or and if the CCWG should make any decisions on it. That's all I was raising. But I don't think...

Asha Hemrajani: No, that's a fair point.

Alan Greenberg: ...it's today's discussion.

Asha Hemrajani: No, no. I think, Jon - sorry, not Jonathan. Alan, I think that's a fair point. And we can refer to - one suggestion would be that we refer to income for the - what did we call it just now? The one-time source of revenue, plus any - one-time revenue source plus any income derived from the investment of that one-time revenue together.

So we refer to the auction proceeds. We refer to what we earn from the proceeds of auction - what we earn from the auctions themselves, as well as what we earn from the investment of those proceeds, and not talk about how - what the investment strategy is. That's outside of the scope. Does that make sense?

Jonathan Robinson: Thanks, Asha and Alan, for raising that. It is an important - I think it would be very useful for the Board to just write a quick note, and we can perhaps get that into the charter. It's not strictly relevant to this public comment, but it's come up tangentially. And I think it's, as Alan suggested, a note to augment the charter after we finish this would be very useful.

My suggestion is, in terms of terminology, we stop referring to the auction proceeds as revenue. They are a capital in the fund, and that will make it clearer. And then there's any income derived from that capital.

And if the Board - I mean I think a very short note from the Board saying something along those lines, you know, that the Board views this as a one-off generation of capital, and the Board takes its responsibility to look after that capital, including the investments, as part of its general - you know, something along those lines. I'm not going to say.

But a communication like that that pre-empts this would be very helpful. So, Erika and Asha, if you could come back to that...

Asha Hemrajani: That's...

Jonathan Robinson: ...action item.

Asha Hemrajani: Yeah, that's doable, Jonathan.

Jonathan Robinson: Thank you very much, Asha, Alan, for raising that.

Terri Agnew: And, Jonathan, this is Terri. If you're speaking, we're not hearing you.

Jonathan Robinson: That was my error. I had my mic on mute. I do thank you for reminding me, Terri. So 33. We'll move on to 33, a lot of guidelines about what not to do. What will we want to do with this? There is a sequence of what we call it in this process. Where in the sequence is the establishment of guidelines and expectations?

Well I think that here we're seeing part of the issue. In these public comments in the left-hand column, you're getting a combination of the question and the answer from (unintelligible). Because it's clear that we say DT sets up the constraints; CCWG will do - (unintelligible) the heavy lifting. So this is part of the answer.

So the question is, a lot of guidelines about what to do. What do we not want to do with - what do we want to do with this? And then were in the sequence is there any establishment of guidelines and expectations?

Well I guess what we wanted to do here as our answer is really articulate that the draft - we really want to state here that the role of the drafting team, the role of the CCWG, and the role of the post-CCWG process, that's what I

would feel is the right way to answer. It's a three-stage process that Asha and others have referred to. Asha, go ahead.

Asha Hemrajani: Sorry. That was an old hand.

Jonathan Robinson: No problem. Thanks. So I think here we articulate - this is what I suggest. We articulate the role of the drafting team, the role of the CCWG, and the role of the post-CCWG mechanism. Alan?

Alan Greenberg: Yeah, I think that's correct. Remember, when we started our process there wasn't a rule saying the CCWG shall not do disbursements. That's a rule we came up with, and we just need to make sure that it's really clear, and I think it is already in the charter.

Jonathan Robinson: ...Alan. So, David, Comment 33 is articulate the role - articulate the role - clearly articulate the role exactly. Thank you.

Okay, Item 34. Consider criteria about the expected results outcome of the funding provided. I think this goes back to a point we talked about before. This is about evaluation and performance.

So I think we would expect it is not - this is out of scope for the drafting team, but we would anticipate that the CCWG would state a requirement that evaluation and performance criteria be utilized. Any improvements on that answer? Or any thoughts on the answer to that one? Alan?

Alan Greenberg: Yeah, I don't think you need to have evaluation to have expected results. You could take it on faith. So I think this question is asking who's going to set what the criteria or what our expectations are. And the answer is, it's up to the CCWG to decide to what extent it sets detailed expectations, and to what extent does it leave it open for the disbursement mechanism.

Jonathan Robinson: Thanks, Alan. So Erika agrees with you. So maybe you could help with the form of words that goes into the right-hand column here.

Alan Greenberg: I think the answer is the CCWG will decide to what extent it will specify expectations, and to what extent it will set overall guidelines for the disbursement mechanism to decide. Certainly out of scope for us.

Jonathan Robinson: I think you perhaps spoke a little fast for David.

Alan Greenberg: The CCWG will decide - will deliberate on and decide to what extent it is setting expected results, and to what extent it will provide more global - it goes back to the words we used last time, of major goals, and the disbursement mechanism will decide on specific criteria.

Jonathan Robinson: Okay, so there's an answer there for 34. And then 35 goes on to say that diversity, if (unintelligible) for disbursement, that may be counter to specific objectives. I mean I think we could simply say that the DT expect that diversity will have an important place in all aspects of the CWG's work, and maybe that's good enough.

Diversity will have a critical place in all aspects of the CWG's work. And we can assert that back. Any sort of alternatives to that? Any problems with that answer?

Man: The CWG's work and recommendations.

Jonathan Robinson: Fair enough. I took that as implicit, but I agree it could be stated. Thank you, Sylvia; thank you, Asha, for your support there. Good, so that helps us with 35. And Asha would like to go back to 34. By all means, Asha, go back to 34.

Asha Hemrajani: Did you call on me, Jonathan?

Jonathan Robinson: Asha, come in on 34, as you would like.

Asha Hemrajani: Yeah, so I'm sorry. I missed out on that because I wasn't following what was being said when you guys were discussing 34. So consider - the question is, consider providing criteria about expected results and outcome of funding provided. I think one of the people who talked about this was Steve, if I'm not mistaken.

So your answer is out of scope for the drafting team, but expect that the CCWG would set a requirement that evaluation and performance criteria should be utilized, okay? The CCWG will deliberate on and decide the extent of any of the expected results and the high level - oh, dear. Wait.

The CCWG will deliberate on and decide the extent of any expected result and high level goals. And the disbursement mechanism will decide on the specific criteria for success. Okay. If I recall correctly, this is related to the high level goals question. I think that was the motivation for at least Steve - that was at least Steve's motivation for asking this question.

This question was asked by two people in two different ways. But from Steve's perspective, that is his motivation. So could we also consider adding the high level goals in the answer to 34?

And then Sylvia says, I also commented on 34 on the - on 34 the drafting team can add to the list of things to consider for the CCWG. Yes, I agree with what Sylvia is saying. Yes.

((Crosstalk))

Jonathan Robinson: ...I think, 34 to include Sylvia's comment. How would you like the answer to 34 to be modified. Feel free to suggest a modified answer.

Alan Greenberg: It's Alan. I'd like to know what minimum outcomes for accountability means.

Asha Hemrajani: Sylvia, you want - I'm not going - I have my ideas, but since Sylvia typed that, I defer to Sylvia.

Jonathan Robinson: Asha, why don't you try and suggest a modified form of wording, and see if that meets Sylvia's requirement?

Asha Hemrajani: You mean right now?

Jonathan Robinson: That's what we're doing. We try to - I mean there's a draft answer there, and so if you have a different one, perhaps suggest to David how that draft answer could be modified, so that we can close out from 34.

Asha Hemrajani: Well okay, I don't have specific - okay, the one suggestion was to put the high level goals sentence in from of the previous answer, where we talked about high level goals. And I would like to actually use Sylvia's words. Consider - the CCWG - let's see here. The DT can add to the list of things to consider for the CCWG. What are the minimum outcomes for accountability?

See, I agree with what Sylvia's saying, because at least the foundations that I've been studying very briefly -- for instance, the Gates Foundation -- they are very strict about the required outcomes and goals - pardon me, the required outcomes and results they would like to see from the money that they've invested.

So they have - they call it - we reach a - they call this - they've really described it as that they say whenever we invest in something, we always reach an agreement on what success looks like. And so they have all these things published way in advance. They've defined what success looks like. And that's what they call their minimum...

Jonathan Robinson: Let me put out to you this, Asha. What you - I think what you and Sylvia and others might be looking for is - well Erika suggests we're more careful

about how we do things. But expect - so the moment it says out of scope for the DT - and we'll come to you in a moment, Sylvia.

I'm just trying to get it so that we can - out of scope for the DT, but expect the CCWG with - to the requirement that evaluation performance criteria should be utilized. And CCWG will deliberate on the fact - the extent to - I think, David, your wording should say the extent to which, replace of with to which, any expected results - my page just jumped.

To which any expected results and high level goals - all right. Afraid wording - okay. So let's see. The CCWG will decide, deliberate on and (unintelligible) extent to which any expected - and high level goals are measured against specific criteria for success.

Asha Hemrajani: Sorry, can I just jump in? The high level goals part I was referring to is not here, but meant to be for the first sentence. So...

Jonathan Robinson: So let's just hold up for just a moment. We'll come back. But okay, just hold there just so we cannot end up in a complete mess. So, David, if you could delete the rest of the sentence between success and the full staff, so at least have a working draft here. Thank you.

Okay, Asha, how would you like to - where do you want - yeah, lift - delete high level goals here. So any expected results are measured. And then, Asha, where do you want to see the high level goals part come in?

Asha Hemrajani: Okay...

Jonathan Robinson: What exactly does it say?

Asha Hemrajani: Yeah, thanks, Jonathan. So I'm now referring to the question which is, consider providing criteria about expected results and outcome of the funding provided. So the CCWG should define high level goals which - the CCWG

should define high level goals for the funding. So I wouldn't agree with that it's outside of the scope of the DT. I don't agree with the first bit of the sentence.

Jonathan Robinson: Okay. So, David, please note that this answer is not finalized. We have not agreed this answer, and others are going to have to work on it offline. And, Sylvia, you've been very patient. I think you get a last comment here, and then I'm going to have to try and wrap us up since we've come to the top hour. Go ahead, Sylvia, and then we'll try and see if we can wrap this up.

Sylvia Cadena: Thanks. Look. I am a bit concerned that we are mixing up measurement of success at the project level with the measure of success of the fund itself. And that is a very, very bad thing to do, because you can invest into a project that seems wonderful; do all the due diligence; select (unintelligible) beautifully; you know, have all the ducks in the row, and then they don't succeed.

That doesn't mean that (unintelligible) done in the wrong way. And it doesn't mean that the fund did not (unintelligible) successful. So I don't think that we should - that's why I was referring to the minimum level of accountability -- say while if what they're saying is, I don't know, you have a small project that has received X amount of money, and then you have a massive project that has received a lot more money, the outcomes would be different, and the accountability for each one would be different.

And you negotiate them on a case-by-case basis, because contracts are different, and the forms are different, and the reporting is different. But you can have a minimum.

You can have like a one-page summary report and financial statement at the end -- something like that -- that is a minimum for all the investments. And people can see what the fund is investing on. And if each one has evaluations and monitoring mechanisms, then you can see by each project or whatever.

And that's what the Gates Foundation does. That's what Ford Foundation does. And they do it separately by projects or by programs that they invest. Same with the Canadian agency, IDRC. Same with (UKID). So (unintelligible) the worst we'd see actually - so you cannot - I don't think it's wise to say at the beginning that you are linking the success of the investments or the reports or the outcomes of the project with the success of the fund.

So I really hope that we can work this answer on the Comment 34 so it doesn't leave a home for those type of assumptions. And yes, there must be a minimum level where you can compare all projects, to have something that is (unintelligible) for everybody, that it's a bare minimum. But all the outcomes will be different, but project for project. Sorry. Thank you.

Jonathan Robinson: Thanks, Sylvia. So the way I'd like to capture that - David, if you could just make a note that - just put something like NB in capitals. Any thinking on evaluation needs to make the distinction between the performance of the fund overall, and the performance of any investments. And so that's just capturing that. It's not under any specific comment. It's just making notes there.

I think we now need to call - we've spent two hours on this. I think we've been very productive, and really made a good, concerted effort between us to get some good answers.

We have another call out for - we have a proposed call on the 24th, and we will put another Doodle poll out very shortly to do that. I think especially given that it's August and northern hemisphere summer, I don't want to push us to weekly meetings at this stage.

Thanks, David, for your clarification in chat that you've used the term grants. Yeah, let me just check your wording there to make sure - yes, that's fine.

Thank you, David. That just clarifies, I think - at least it's just a placeholder for thinking about that.

So, everyone, we're going to have two weeks between now and the next call. So please can you do two things? One, of course, fill in the Doodle poll as soon as possible with your availability, so we can all plan for that meeting.

I've a feeling I'm going to have some difficulties with that date, so it may well be that I have a struggle to attend on the 24th, but we'll just have to work with that. And I'm sure - oh, no, the Wednesday, 24th, should be okay. Okay, so let's work with Wednesday, 24th, as we planned to.

And then thank you, Asha, for being - I don't want to - my concern is - well let's see what we can get. Let's Doodle on the 24th, and if we struggle, we'll do that.

But please remember, we want comments within a week on this. And if you can, all of you, try and make your best efforts to provide further comments, especially on the outstanding items, within a week, so that staff can then knit these back into the charter. And ideally then at the next meeting, we're reviewing the charter, so we're seeing the form of all of these comments find their way back into the charter.

And thank you, Alan, for both your offer of chair, and your support for my role of chair as well. Yes, Sylvia. So within a week - as soon as possible and within a week, so that staff can then turn it into the charter.

Right. We're four minutes over the hour, so let's - Asha, as we say, we'll try for the 24th. We'll see what we can all do on the 24th. And if we can't, we'll look a day either farther back or something like that, and try to work around that.

Because I think everyone's contributing well. We're a small team, and it's good to have as many people as possible, (unintelligible) unanimous participation. Anyone needed to say anything else that I've inadvertently skipped over or missed? Or any other key important points before we bring each other up to get on with the rest of our respective days?

Okay. Thank you, Alan. Thank you, everyone. And it's been a productive meeting, and thanks for helping work with the challenges of it, and we'll talk again soon.

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