

ICANN

**Coordinator: Brenda Brewer
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2:00 pm CT**

Yuko Green: My apology. I'm sorry. We missed what you said.

Jonathan Robinson: So, Yuko, I haven't prepared particular remarks only to get things started. I mean, so I think it's probably best we wait to kick off with the implementation update as soon as we get Trang on the call.

Yuko Green: Understood. Thank you.

Trang Nguyen: Hi this is – there's a lot of background noise.

Chuck Gomes: Okay, this is Chuck. I'm riding in a motorhome so I'm going to mute my call but I am and I will not be in Adobe, okay?

Trang Nguyen: All right sounds good, Chuck. Thank you. And this is Trang. My apologies for being late. We had a bit of a scheduling issue with a call – our regular check in call with NTIA happening right before this call so my apologies for being late.

I believe that the recording has already been started, and the agenda has been reviewed with the group? Okay. So for discussion for today we wanted to go through with you the RZERC charter. We have completed the comment period on that and had received some comments on the charter that we want to go through with you.

And we have also prepared some proposed RZERC candidate qualification criteria for discussion with the group as well because we anticipate that we will need to start that process fairly soon. So that's the main item for discussion. And then I think under any other business, want to give you a quick update on the PTI bank account topic that was brought up on the last IOTF call.

Also remind you of the various items that re currently out for public comment. And then relating to that, perhaps also discuss with you sort of a coordination between the IOTF and the CWG over the next several weeks given the high intensity workload that we have coming up.

So that's sort of the agenda. Does anyone else have any other topics that would like to add to the agenda? Okay, okay well then let's move on to the RZERC discussion then. Next slide please.

Okay so we received a total of seven comments or seven commenters submitted comments on the RZERC charter. And you see the list of commenters there. I think the final count was around seven organizations versus two individual contributors. And so the over the next few slides what we will do is summarize those comments for you. So next slide please.

So there were three – I think three or maybe a few more comments submitted on the first section of the charter, the purpose. DENIC suggested replacing the

contents of the purpose section with sort of a background, you know, to give a little bit more context in terms of the committee to incoming members and also in the future. And we think that that's a good idea and so what we will probably end up doing is add a background section. But we will not be replacing the purpose, the current purpose section. So we'll retain a current purpose section but we'll add a new background section to provide context.

The NCSG suggested changing all references of root zone to DNS root zone for clarification purposes. And we think that that's fine and it does provide further clarification so we are – we will be making that edit.

The RSAC submitted comments primarily due to purpose and scope of the responsibility section of the charter. And they provided very specific edits that they recommended to the paragraph under those two sections.

What – the main purpose of the edits that were suggested is to limit the scope of the RZERC and to clarify that the RZERC would only deal with issues relating to the root zone and its management and not, you know, the operational changes to root zone but just the architectural changes to the root zone and then also with its management.

So we are reviewing those comments and we intend on having some further discussions with the RZERC before moving forward with determining how we would go ahead and implement those comments.

Jonathan, you have your hands up. Please go ahead.

Jonathan Robinson: Trang, just a moment ago you said your further discussions with the RZERC but I think you meant further discussions with the RSAC...

((Crosstalk))

Jonathan Robinson: Is that right?

Trang Nguyen: Yes, my apologies. Yes, with the RSAC.

Jonathan Robinson: Yes. No problem. And then, Trang, just to make sure I and we understand the way in which this is working, so you've got a live public comment period and you're essentially dynamically updating the document as you get the public comment points in. Where – if I understand that correctly. And then where is the dynamically updated document? Where is the sort of complete document as it gets updated?

Trang Nguyen: So, Jonathan, actually the public comment on the RZERC charter already closed, I think it closed Sunday or late last week. So we have since – we've started to review the comments as they came in but also looked at some of the late submissions. And yes, you are correct, we started to go through and edit the document itself.

The final edited document will be published as part of the staff analysis that part of the standard public comment process that we do. What we are doing here is sort of giving you a preview into how we intend on addressing each of the comments received, you know, so that there is no surprises when we publish our final staff analysis and the updated RZERC charter based on the comments received.

Jonathan Robinson: Thank you, that's clear and I apologize but I hadn't recognized that – exactly when it had closed especially with the late comments coming in. Thanks.

Trang Nguyen: Yes. No problem, Jonathan. And as I go through these if there are any objections or questions or concerns around, you know, how ICANN intends to address the comments received, you know, please let us know. Our intent is, you know, in analyzing and processing these comments our intention is to stay as true to the CWG proposal as possible obviously. So if what we're – if how we're intending on addressing the comments, you know, is outside of the proposal please let us know.

Next slide please. So comments on Section 2 I think this is the – this section and the composition section are the two sections that received the most comments. RSAC provided several edits suggestions to the paragraphs within the scope of responsibility section, again, to limit the scope of the – to limit the scope of the RZERC. So those are the items that you see in blue font with the red edits that the RSAC suggested there.

In addition to the comments that the RSAC submitted on this section, we received two other comments. CWG commented that the RZERC scope should include consideration of current and future geographical topography of the root servers. And I think this is in direct contradiction to what the RSAC believes should be the RZERC's scope of responsibility.

We also think that this is outside of what's considered as the scope of responsibility for the RZERC within the CWG proposal so we don't intend on implementing this comment.

DENIC commented that the language in this section is not clear. Whether the RZERC may originate proposals or it would only consider issues and proposals brought to it. So in going back and reading the language of the current charter we agree that it could be clarified so what we are intending to do is go back to the CWG proposal and put in some of the language around

there around the fact that the RZERC would consider issues raised to it by any of its members, the PTI or the CSC to provide clarification around that and that would keep it in consistent with the CWG proposal.

One additional comment that the DENIC provided on this section is that the language in this section does not make clear what the RZERC's role is with regards to the RFP process for the root zone maintainer. So in going back and reading that we agree that the language could be clarified a bit more so we will add, you know, some clarifying language there to make it clear that the RZERC's role is not to trigger the RFP but only to act as a consultative body if an RFP process is triggered by ICANN.

Next slide please. And this next slide just shows you some of the additional specific edits proposed by the RSAC. Next slide please. Composition, we received quite a few comments regarding the composition of the RZERC. CnNIC as well as the NCSG suggested additional membership or expansion of the membership. CnNIC suggested that because the GNSO and ccNSO would be directly impacted by the work of the RZERC, that they should have more representation on the committee.

And the NCSG suggested that the RZERC membership includes representation from the Non-Contracted Party House of the GNSO. And as the CWG proposal pretty clear specified the composition of the RZERC membership we feel that those – implementation of those comments would not be consistent with the proposal so we don't intend on implementing those comments.

CWG commented that VeriSign as the root zone maintainer should not be a member of the RZERC due to conflict of interest. And I think that the RZERC charter already accounted for conflict of interest in Section 7 of the charter

which requires any of its members to disclose any potential conflict of interest and then it would be up to the committee to determine how to deal with that. So I think that concern is already being addressed by the – by Section 7 of the RZERC charter.

And then DnNic – DENIC commented that appointments of members to the committee should be left to the appointing organizations rather than asking for participation by the organization's chair. And I think this comment was made in response to the fact that the language in the CWG proposal recommended that the chairs or the chair's delegate for some of the organizations be appointed like for example the RSAC, SSAC, and I don't know which other organizations, but it specifically mentioned that the chair or the chair delegates should be appointed.

And DENIC's comment I think has to do with that and suggested that rather than requiring that the chair or his delegates be appointed that it should be left to the organization to determine who should be appointed to the committee.

I think ICANN's position is that we think that the language in the CWG proposal actually already allow for that by saying that it should be the chair or the chair's delegates so that is up to the appointing organization to then either appoint a chair or to appoint a delegate or somebody else within the organization to the committee.

And then the RySG just commented that the chair selection process is critical for efficiency and effectiveness of the committee. The RySG did not provide any specific suggestions or recommendations.

Moving on to Section 5, decisions, which is decisions. CnNIC suggested adding more details around quorum and voting TLD. CnNIC noted that the

level of details around quorum and voting is rather light compared to charters of other working groups. And so that was the basis for this comment.

We had a long discussion with this group around quorum and voting threshold. And I think this group decided to keep it. You know, there were reasons to keep it light and to require consensus in terms of voting threshold. You know, even though this is not an area that's specified within the CWG proposal, it has been discussed within this group and that was the agreement that came to.

And so ICANN's position is that unless there is any – unless this group would like to reopen that for discussion, the quorum and voting threshold, you know, based on previous discussions we are thinking that would go with what's currently already in the proposal – in the proposed charter.

So hold on, can you go back please, Yuko? So I'll move on but please think about that and whether or not we want to have some additional discussions around quorum and voting threshold. And then once I finish going through all of the comments and maybe we'll revisit that question and see if we want to open it up for discussion.

The next comment on this section is from DENIC. Similar to what another comment that was submitted that the root zone maintainer should be excluded from the consensus decision matters relating to the RFP for the root zone maintainer. We believe this is potentially due to conflict of interest concerns. And similar to what I've said before, I think this comment is already being addressed by Section 7 of the charter.

The RySG submitted a comment that suggested that the composition of the RZERC seems to have two slots being represented by ICANN, the ICANN

Board and PTI. And that may create a disproportionate share of influence on decision making matters. And so the RySG suggested adding a clause in the charter to prevent that from happening.

So again this kind of is somewhat related to the quorum and voting threshold, we want to reconsider that. Otherwise I think we need to stay with what's already in the charter in terms of the composition of the RZERC as well as the agreement within this group on what the voting threshold and quorum should be.

Next slide please. Records of proceedings, we had two comments on this section of the charter. DENIC suggested that given that decisions can be made outside of meetings, that deliberations and (unintelligible) should be made public in the same way meetings recordings are made public. I believe this comment was submitted because – looking to my printout – this comment was submitted because there was a specific language in the meetings section, which is Section 4 of the charter, that says that email discussions do not constitute meetings.

And that decisions may be taken without the need for a meeting. So those two things taken together I think is the basis for this comment being made and the concern that, you know, if email discussions do not constitute meetings the decisions could be made via email that those decisions would not be public. So I think that's the concern. And I think that's a valid concern. I don't think that was what was intended to occur.

So we are thinking that we would make an edit to the document to clarify that – I think there was very small edit that occurred that could – that we could do that would address this concern and make sure that all deliberations and

results would be recorded and made public as appropriate given security concerns.

Mr. (Soto) submitted a comment that suggested that the charter require committee meetings to always be recorded. The language in our charter right now says that the committee shall operate openly and transparently and committee meetings shall be recorded wherever possible. I think this – I think this is a valid comment that in all cases, you know, committee meetings shall be recorded. Now whether or not it is publicly posted is something, you know, that could be determined by the committee based on the nature of the meeting and whether or not it would create security concerns or issues for posting.

But there's no reason that committee meetings should not always be recorded. So we believe that this is a good suggestion and we'll be implementing that in the charter.

And then on the last section of the charter, which is the review section, CnNIC suggested that there should be – that the frequency of review of the charter should be closer to two to three years rather than five years. However, the language in this section in our proposed charter actually says that review should take place every five years but that the committee can initiate the reviews more frequently if needed. So I believe that the language in the charter already addressed the concern raised in this comment.

So given that I want to circle back, that is basically a summary of all the comments received and how ICANN plans on addressing those comments. The one item that I'd like to circle back with this group is with regards to voting and threshold and whether or not that – we should have additional conversation given the couple of comments received on that. And if not then I think we've had substantive discussions on this and good rationale as to why

the voting threshold and quorum should, you know, is what they are – is as they are reflected in the charter.

So wanted to post the question to this group whether or not the couple of comments received around voting threshold and quorum needs to have additional conversations within this group on.

Okay, doesn't seem like that – it doesn't seem like we need to have any further discussions on the voting threshold and quorum as of this point, that previous discussions, which I would call was significant around this topic, is sufficient.

Okay, Jonathan, please go ahead.

Jonathan Robinson: Yuko, I don't have a particular input on this but it may be worth – it certainly is a smaller item on our agenda for the Thursdays meeting of the whole CWG. I'm not quite sure how much more participation we will have then (unintelligible) meeting on Thursday.

It may be worth, if there is – if there are one or two items like this it might be worth picking out some specific points like this and raising them under the topic on Thursday and just checking that there's no additional input or view here, rather than going through the whole thing systematically again it may be worth just picking up one or two points where if you're uncertain how to respond it may be worth giving them an airing in the CWG. Thanks, Trang.

Trang Nguyen: Thank you, Jonathan, that's a great suggestion and we'll do that. And I think that definitely the one area and then the other area is with regards to limiting the RZERC scope which, you know, we have some ideas around that but we

want to have some additional conversations with the RSAC first. So thank you, that's a great suggestion.

Okay so I guess the next item that we'd like to discuss with you on the RZERC is proposed RZERC qualification criteria. So I had gotten some requests in Helsinki with regards to, you know, qualification, having defined qualification criteria when ICANN issues the email to ask appointing organizations to start their internal processes to appoint members to the RZERC.

I had mentioned that it seems pretty straightforward what the qualifications should be based on the charter but the request remained the same in that it would help their – it would help them in terms of initiating their internal processes if we did include qualification criteria with our email.

So what I have drafted here are some proposed RZERC qualification criteria for the group's consideration. It pulls primarily from the RZERC charter so hopefully none of this is too new. And then the other items are not within the charter are just pretty standard stuff in terms of communication skills and able to work and communicate in spoken English.

So I know this is the first showing of this to this group and we don't have to make a decision on this, you know, right now. But I do want to share this and get any feedback on the – on these criteria. So, Alissa, you have a comment that these aren't actual criteria in the sense that no one will actually be vetting the people put forward other than internally within their own organizations, right.

Yes, Alissa, these will be qualification criteria for the organizations that would appoint people to the RZERC. And so it would be criteria for them to consider as they vet their own internal candidates for appointment.

Yes. So what we will do is we will pull these criteria out and circulate it to the IOTF mail list as well, you know, just to see if there is any feedback on this. We will give the group a bit of time to consider and give feedback on this. My hope is to be able to issue an email to the appointing organizations on around August 1, you know, so they can start their own internal processes to appoint members. So we do have a little bit of time to review this and think this through.

Okay. I think that is it in terms of the RZERC and the main agenda item. Let's move ahead to any other business. So under any other business, the first item, the PTI bank account, Jonathan, did you have a – something to say before we move forward with AOB?

Jonathan Robinson: No, Trang, please go ahead with that and I'll come in at the end on an AOB.

Trang Nguyen: Okay thank you, Jonathan. It's an update for this group with regards to the PTI bank account, which was asked about last – on the last IOTF call. We had further discussions with Xavier and – excuse me – and the plan on this is to share the plan around the PTI bank account, if you would, within the DT-O first and vet that sort of our ideas and proposals on that through the DT-O before it either goes to this group or to the full CWG.

We believe that that's the right forum to do that because the DT-O has been working with Xavier and with ICANN on all of the financial related matters. So we felt that that would be an appropriate first step to vet our thinking and

proposal through with that group first. I know Chuck is on the phone but we've scheduled a DT-O meeting for – I can't remember if it's the 20th or 22nd of this month to discuss this as well as the PTI finance process – budget process.

Chuck Gomes: I think it's the 20th, Trang.

Trang Nguyen: Thank you, Chuck. Yes, so unless there is any objections I think that's the plan is to vet our proposal through the DT-O first and then it will either come to this group next or to the full CWG. And I think it was Paul that had brought up this point and Paul is part of the DT-O so, you know, he will receive a calendar invite for participation in that discussion on the 20th.

Jonathan, would you like to come in now or should we go through the remainder items?

Jonathan Robinson: I'll put my hand down. Go through the remainder items and I'll come in at the end if everything isn't covered, Trang. Thanks.

Trang Nguyen: Okay, thank you, Jonathan. So the next item is we just wanted to make – summarize for you all of the various items that are currently out for public comment and what the timing around that is. As you can see there on the slide, the PTI article of incorporation open public comment on July 1 and it will close public comment on July 31. And then the PTI governance documents, which includes the code of conduct, conflict of interest policy and expected standard of behavior went out for public comment in July 8 and will close on August 7.

And then the PTI bylaws went out for public comment on July 12, just yesterday, and it will close public comment on August 11. The initial plan was

to try to sync up and have all of these documents go out for public comment at the same time however, due to us trying to get the incorporation done as early as possible so that we can actually have PTI incorporated by August 12, the day that our report to NTIA is due, we have to sort of separate that piece out and so that went out for public comment first while the – while we continue to work with the CWG and also with Sidley mainly on the PTI bylaws.

And then it looked like it was going to take us a little bit longer to finalize the PTI bylaws and so we decided to go ahead and publish the PTI governance documents for public comments on July 8 with the hope that we would be able to finalize those documents by August 12, the date of our report to NTIA.

And our thinking around that is that, Number 1, there is enough overlap in terms of the public comment window between the PTI articles of incorporation and PTI governance documents that should hopefully not be too cumbersome for the community from a review perspective.

And also we expected that the articles of incorporation code of conduct, conflict of interest and expected standard of behavior to be very straightforward documents. As you can see the articles of incorporation is very straightforward. I think that only comment that we had heard is whether or not the purpose of PTI is reflected accurately but I think that has been put to rest so, you know, that's a pretty straightforward document. The PTI governance documents are all based on the ICANN documents look the same.

They have gone through public comment and have been adopted so we believe that those should be pretty straightforward documents. And we don't expect to have a ton of major changes to those documents coming out of the public comment window.

The PTI bylaws, as I mentioned, it took us a little bit more time to finalize that with Sidley. It is now posted for public comments. We have incorporated the majority of the comments and direction provided by the CWG into the draft bylaws. And we've also drafted them to be consistent with the CWG proposal. I know that there are some of the provisions that Sidley drafted around C-7 and C-8 which we have assessed to be inconsistent with the CWG proposal.

So to the extent that we are – that we can incorporate elements from C-7 and C-8 while staying in consistent with the proposal we have reflected that within the draft PTI bylaws that were posted for public comments yesterday.

So those are the items that are currently out for public comment. And then as you can see there's a lot of materials to review and the contract is another thing that we're hoping to get out to you very soon. I'm hoping in the next day or two so that's an additional document for review and to provide feedback on as well.

Which leads us to the last item under any other business. And, Jonathan, I don't know if this is the item that you wanted to talk about but, you know, coordination between this group and the CWG given the intense meeting schedule and the amount of work that needs to get done over the next several weeks.

Jonathan Robinson: Trang, certainly on my mind. I think there's a couple of point that I had. Well first of all, you've covered most of it on the PTI bylaws but clearly if you look at all those documents that are out and pending, the significant focus to me seems to be PTI bylaws and then the naming agreement. I mean, to some extent the articles of incorporation are a small document and not particularly controversial.

(Unintelligible) the governance topic, if people need a focus I would suggest PTI bylaws and following that, the naming agreement. But, yes, the other point was clearly on the work of the IOTF and the CWG. I mean, we set – this group the IOTF – up in response to the implementation work potentially getting out of sync or happening at a faster set of cycles than the CWG was then meeting.

But now that we are going into a period of higher intensity activity it strikes me, and I had the discussion with Lise about this today, that we really question the need for the IOTF if the CWG is going to be meeting regularly as once to even possibly twice a week again for the next few weeks.

So it'll get too much – and there's no added value to this group meeting in addition. So I would think that we will propose to the CWG on Thursday that we simply drop the IOTF meetings and integrate back into the CWG this regular work. So I guess the question is does anyone have any immediate feedback or thought on that that there is an ongoing value to the – this group meeting if the CWG is meeting as regularly as once or even possibly twice a week?

So I think that's it for me, Trang. And any feedback or thoughts from others is welcome. But clearly we're going to have to try and get people energized and active and concentrating on the key areas as we try and bring this home and help you with the job you're doing to get it a home and try on time. Thanks.

Trang Nguyen: Thank you, Jonathan. Alissa, please go ahead.

Alissa Cooper: Thanks, Trang. That plan sounds perfectly reasonable to me. No reason to have kind of two levels of review when you only really need one. The only thing I would say, though, is that I think that decision should be clearly

communicated to the other two operational communities so that they know if they want to be following along or, you know, there's not really that much left for them to do but there are still the other subcontracts and the IPR and so forth. And so and the PTI bylaws to the extent that they have interest in that.

So it would just be good for them to know that if they want to, you know, be more heavily involved in the discussion that that's going to happen in the CWG and that they should be joining those calls and that mailing list.

Trang Nguyen: Jonathan, please go ahead.

Jonathan Robinson: Alissa, that's a good point. I guess there's a couple of quick things that (unintelligible) on that then is, one, just to be clear, the decision – I guess Lise and I made it in principle in discussion but we'll put it to the CWG on Thursday. So in that sense it hasn't yet made but it feels logical under the circumstances.

This IOTF group was never intended to be a decision making forum, the CWG was always meant to make the decisions and this was really an opportunity to give rapid iterative feedback to the implementation staff.

I wonder how, if you have, I mean, I wonder how we make that communication and make sure that other than bringing it up at the CWG meeting, if you've got any suggestions or anyone has any suggestions how, once we've done that on Thursday, assuming we do conclude with that decision, how we make that known as much as possible.

And in fact, the – ideally we should encourage participation in the meeting on Thursday ahead of that. But in any event I wonder how we communicate that.

Alissa Cooper: So just a quick response. I mean, certainly I think if you – if someone drafts a message to the CWG about this or if it's included in the – in an explicit agenda item for the meeting on Thursday then I think, you know, there should be representation on this call from the other communities so people can, you know, just forward that around to the appropriate list and the other communities to make them aware. And I can certainly forward to the ICG and make sure that if there's, you know, those community reps as well are aware.

Trang Nguyen: Okay terrific. Thank you, Alissa. And thanks, Jonathan. And I see a couple of support for this as well in the chat from Mathew and Cheryl of having only the IOTF meeting if and when necessary. Okay. So I know that we have probably scheduled IOTF calls a few weeks out by now. But as per what you said before, Jonathan, we'll put this as a proposal to the CWG and have that discussion then and then we'll – after that we'll get back with this group and determine whether or not we should go ahead and cancel all of the already scheduled meetings or if we should keep it on the calendar and then just cancel it if we don't use it.

Okay. I think that is it from us today. I don't know if anyone has anything else that they would like to bring up before we go ahead and close the call? Okay well great, doesn't seem like there's anything else so thank you so much, again, for your time. And there's a few action items that we'll follow up with the group on after the call. We'll go ahead and close the call early today and give you some time back. Thank you so much. Talk to you soon. Bye-bye.

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