

**ICANN Transcription - Marrakech
GNSO New gTLD Auction Proceeds Drafting Team F2F Meeting
Thursday, 10 March 2016 0730 UTC**

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

Man 1: Okay, great. So welcome, everyone, and - to our drafting team meeting. This is the drafting team on auction proceeds and detail the auction proceeds.

Let's do a quick roundtable before we begin the meeting with the roll call. So if we start on my left.

Terri Agnew: Terri Agnew -- ICANN staff.

Man 2: She doesn't like us.

Terri Agnew: And right here.

Woman 2: Here and there.

Terri Agnew: And then here.

Man 1: Okay.

Samantha Eisner: Samantha Eisner -- ICANN staff.

Marika Konings: Marika Konings -- ICANN staff.

Man: (Unintelligible) -- ICANN staff.

Woman 2: Sorry, I couldn't hear you.

David Cake: David Cake -- ICANN staff.

Jonathan Robinson: And Jonathan Robinson.

Erika Mann: Erika Mann -- ICANN board member.

Edmon Chung: Edmon Chung -- (unintelligible).

Asha Hemrajani: Asha Hemrajani -- board member.

Man: (Unintelligible).

Man: Yes.

(Johnny Harris): Sure. (Johnny Harris) from the ISPCP Constituency.

Russ Mundy: Russ Mundy from the SSAC.

Lauren Allison: Lauren Allison -- ICANN staff. I just wanted to note (unintelligible) does send her apologies.

Man 1: Thank you, everyone. Do we have any other apologies?

Woman: Yes. Our other apology is from (Kaba Ranjabar) and (Brad Bird).

Man 1: Okay, thank you. And I think Alan Greenberg said he would try and join us later. So we are - let's see here.

Man: And Olga Cavalli said she'd be here but I guess she's...

Man 1: Yes, that's true. I don't - I'm not sure where Olga is.

Man: Okay, so where is that - I can see it is there.

Woman: Adobe Connect (unintelligible)...

Terri Agnew: I sent it to the group this morning.

Man 1: Okay, thanks, Terri. We'll grab that.

Woman: (Unintelligible).

Man 1: I've got it in my ICANN Adobe Connect (unintelligible). Yes.

Woman: Do you have a (unintelligible) and I don't see it.

Man: Another room and then change the (unintelligible) name.

Terri Agnew: To (Yackport).

Man 1: Yes, exactly. That's the (unintelligible) type and - yes, I - that's exactly...

Woman: So who sent it this morning?

Woman 2: Terri.

Woman: Terri. Okay, then I will send to Terri. If it's you.

Woman 2: I didn't get it either.

Terri Agnew: Go ahead and bring up - just go ahead and bring up Adobe Connect or your browser for Adobe Connect.

Woman: So we're not going to use (unintelligible).

Man: I go to the link, typically, because if I go to Adobe Connect, it takes forever...

Terri Agnew: Oh, okay.

Man: ...before it takes me there. So, if you send it, it should be here -- Terri. So where are you? Here you are.

Terri Agnew: Nope, that's not - I'm Agnew -- A-G...

Man: That's another one -- Terri. No, you're not that.

Man: Marika.

Marika Konings: Yes?

Man: That discussion you had - (unintelligible) you referred to (unintelligible) comments we received.

Terri Agnew: (Unintelligible). Let me resend it to you.

Marika Konings: (Unintelligible).

Man: (Unintelligible) too.

Marika Konings: Yes, that's correct.

((Crosstalk))

Marika Konings: And their names.

Terri Agnew: Nope, I - T-E-R-R-I.

Marika Konings: I.

((Crosstalk))

Terri Agnew: Yes.

Man: You had the other Terri. There you are.

Terri Agnew: Oh, there it is right there. Yes.

Man: And there you have the Adobe.

Terri Agnew: Perfect. Exactly.

((Crosstalk))

Man: Thank you so much.

Woman: ...basically look - we need to go through them in terms of what do we need...

((Crosstalk))

Woman: ...the link.

Man: Yes. I need to do that.

Woman: And (Steve).

Man: Yes.

Man: Because Adobe always takes very long.

Woman: The point of (unintelligible).

Man: Yes. Okay.

Man 1: So has - can I just check does anyone not see the agenda because I wouldn't mind just highlighting the...

Woman: (Unintelligible).

Man 1: Okay, let's just set out the purpose of the agenda and, you know, realistically, I think all of us have been very busy. There's no desperate need to solve this problem. I think it's a really important one but it's not our most urgent.

So just to set your expectations, if we go a little slowly at first, I'm not unduly worried about that. So feel free to suggest ways in which we can be as productive as possible. But if we spend half an hour here, cover the work, I'm not going to sort of fill the time and try and do it - from my point of view, it's let's try and get what we can done and treat it with a sort of - with the priority and speed it needs.

So what we set out in the agenda here is we had an open question from last time. With the CWGs in general, we now have the published - so at least the open for public comments - the draft of how to operate CWGs from the group that worked on that. And so that can guide us in general.

But one of the things we haven't really set out in the past is - and in particular, in relation to this group is how - what the relationship of the board members to the group was. So there was that open question which we'll come to

dealing with first and just have some discussion or comment on that. The next item we wanted to cover was when we put out the discussion paper which followed the meetings we had - the sort of open meetings we had at the ICANN meetings - we set up - the history was we had the couple of meetings, as I outlined at our last meeting.

We had a couple of meetings in Buenos Aires, was it? And we had the high-interest session and then the specialist session where we had ccNSOs present their - the way they'd handle funds and so on. We pulled all of that into our discussion paper.

We then put the discussion paper out for public comment and identified a series of comments. I think the way we dealt with that, Marika, if memory serves me correctly, was we simply put the (unintelligible) into an appendix afterwards.

Marika Konings: Yes, we basically divided their - those comments up. Some of the comments really were, you know, corrections or clarifications or additions to the discussion paper. Some of the comments were specifically to a process to be used.

And there were also some comments that actually seem more relevant either for the drafting team, looking at the charter, and/or the CCWG. And those were marked as such in that table, basically, and those have then - we've then extracted those and those were circulated to this group with the idea being if the group goes through that and factors that in as part of the charter development to make sure that the comments that were submitted in relation to the charter are addressed, considered, and hopefully incorporated as appropriate.

Man 1: Exactly. So we're looking to now - to weave those comments back into the drafting paper. And I'll probably - seeing is anyone willing to have a go at doing that?

And then, the next thing we have is the - a standard form template which has some initial content in and we need to pick up that and start to commence drafting that stuff to - populating that template with information relevant to this meeting and then confirm the next steps. So let's go back to - in effect - unless - does anyone else have anything under the sort of welcome and introductions -- any other scene-setting or overarching comments here you'd like to make?

Woman: Just maybe to - it would be nice to - if this cover paper would be resent because then you try to find it; it takes a little bit of time. So...

Marika Konings: The comments or the templates?

Woman: Everything. So there must be a - there must be one paper - one template where everything is covered, and I can't find it on the - neither on the GNSO nor on the ICANN page.

Woman: Well, we know we have a Wiki that will be populating, so we'll make sure as well that all of the...

Woman: Good.

Woman: .. relevant information is (unintelligible) there.

Woman: Because this helps that we can - it's easy for everybody to find everything in one spot.

Woman: (Unintelligible).

Man 1: That's a good point. So...

Marika Konings: Well, we'll resend it and we'll also post everything on the Wiki so people can easily find it.

Man 1: Thanks, so...

Woman: The history - sorry, the history as well.

Marika Konings: Yes, the (unintelligible) discussions.

Woman: Wonderful.

Man 1: Yes, so if we can recapture that - sorry, capture that as an action, Marika, as a first action that will - can be circulated set of the historic and current links so everyone can make sure they've got a good starting point.

Woman: I have a question as well.

Man 1: Go ahead.

Woman: So that was my first - part of my question is that so that Wiki is not up yet (unintelligible)?

Woman: It's up but I don't know - is it already populated? It's not populated yet.

Woman: Okay, so it's up but it's not just populated.

Woman: Yes, yes.

Woman: So you could send this in material or you could populate it (unintelligible) for the...

Woman: I'll probably - both.

Woman: ...(unintelligible).

Woman: Yes.

Woman: Second question I had is about inter-meeting. Did you have a plan as to - are you going to schedule the meetings in advance or how is - how far - how much further in advance are you schedule them (unintelligible) from how often that we should have the meeting?

Man 1: Very good point. So let's - well, there's two - I think there's a practical point and then one that we should discussion. I mean, practically, we should - and I'd like to capture this as the next action, please - is that we should just take a list of participants' time zones, and we'll do a time zone grid.

Woman: (Unintelligible) already did that.

Man 1: Okay, so we...

Woman: (Unintelligible) I send through...

Man 1: Oh, you did. And we had two - can you remind me what (unintelligible)...

Woman: Yes, I'm actually looking it up.

Man 1: (Unintelligible) will remind us of what the proposed times are, and then it's a matter of (unintelligible). So we will certainly - I would suggest and - and I suspect for all of us it's helpful to have them on a fixed frequency. It's a question of how frequent.

Any thoughts or any points that anyone would like to make in relation to this?

(Tony): Well, we have to think the - that the objective is to get to the next meeting with the - with this work done, right.

Woman: Yes. (Unintelligible).

(Tony): So...

Man 1: Yes, thank you, (Tony). Let's capture, because if there is agreement, I was thinking that. That was in my mind, certainly, that ideal intention...

Man: (Unintelligible).

Man 1: Okay.

Man: Some meeting I was - in about two days.

Marika Konings: Well, that may have been me suggesting that that may be a possible time frame...

Man: Alright.

Marika Konings: ...but it's really for you to discuss if you think any of that's desirable and, as well, feasible.

Man: Oh, developing a charter, I think three months is - should be enough time. And I said somebody (unintelligible) reasonable.

Woman: I agree.

Man: Good morning.

Man: Good morning.

Woman: (Unintelligible).

Man: I think we're okay.

Terri Agnew: Thank you. So...

Man: We only have two...

Man: (Unintelligible).

Woman: (Unintelligible).

Man: We only have two months in between (unintelligible).

Man: (Unintelligible) two months.

Woman: Yes.

Man: Yes.

Man: I'm sorry.

Man: Yes, it's pretty aggressive. While it is...

Man: It's possible.

Man: ...(unintelligible).

Woman: Is two enough, you know, (unintelligible)...

Man: Yes.

Man: (Unintelligible) as possible.

Woman: Three and a half months....

Man 1: Let's give ourselves - I mean, like I said, my sense is this is not that urgent. And so let's make it - we can make it a soft target, we can try and see what we can do, and if we're able to produce something by then, but I'm just not sure it's worth it for any of us to push it because, A, it's a challenge, and, B, we may compromise the quality of the product.

So (unintelligible).

Marika Konings: I think, at a minimum, what you may want to do - and again, it depends of it as well, how meeting B, of course, turns out, because I don't know if this falls under the definition of policies, but it could potentially serve as a platform to at least, if this work is not finalized yet, to at least put forward to some of the chartering organizations where they stand...

Man 1: (Unintelligible).

Marika Konings: ...and what some maybe of key difficulties are. Because there may be some issues where people disagree or are not sure what the direction is.

Man: I think that's a good idea.

Marika Konings: So I may - the next meeting may be a target to, you know, either share the charter or at least be able to give an update and identify what the issues are (unintelligible) struggling.

Man 1: Okay, let's capture that as an action as a - we will target at the next meeting. But Asha, you (unintelligible).

Asha Hemrajani: So I wanted to say maybe we could say for October hard target were pretty much finalize the charter, and then June would be our soft target for a draft charter...

Man 1: Yes.

Asha Hemrajani: ...or something that we could socialize (unintelligible). The reason I'm bringing this up is the frequency and the - of the meeting. These really wasn't what we are aiming for. It would be good for us to have a little bit of a project plan (unintelligible) work backwards so that we know...

Man: Yes.

Asha Hemrajani: ...by when we need to do work.

Man 1: Yes. So I'm happy to take that on as an action to work with Marika to set out some milestones.

Woman: Yes.

Man 1: We will define. So if we could say that really, that the action -- is produce a set of key milestones for the group and that could be put onto myself and staff to sort that out. However, in the interim, it's probably not a bad idea to set up and sort of get a exact feel of what a frequency would be.

I mean, one, two, three, four weeks - I think four weeks is, in my mind, would be too infrequent. Certainly one week would be too frequent.

Man: Yes.

Man 1: So it feels like two or three.

Woman: Two or three.

Woman: Go for two; don't have too much space.

Marika Konings: I found a e-mail on the rotation. So we did look at the spread of the members and we suggested that the possible rotation could be one UTC and 21:00 or 22:00.

Woman: Read that again.

Marika Konings: 13:00 UTC...

Woman: Yes.

Marika Konings: ...and 21 or 22:00 UTC. So...

Woman: There's still always probably some people inconvenienced, but it seems to be a rotation that inconveniences the least people. And I can share because we did, indeed, the grid with the time zones if people want to have a look at that and come up with something better.

Marika Konings: I would (unintelligible) for 22 will be.

Man 1: So 22 will be better than 21 for you, for example.

Woman: Very difficult for (unintelligible). Keep this in mind. The Asians obviously want 22, but 22, in reality, is...

Man 1: 11:00 at night.

Woman: It's 11 CT.

Woman: Okay.

Woman: So they obvious forget this. So it's - then you then have a two-hour call; you end at 1:00 in the morning.

Woman: (Unintelligible) 1 - is 13 - is 13:00 UTC bad (unintelligible)?

Woman: No, but I think the idea would be to rotate between those.

Man 1: Oh, yes. So they're not (unintelligible) clock, yes.

Woman: (Unintelligible) one time 13:00, the other time...

Woman: That's fine. You will take...

((Crosstalk))

Woman: I think that was a suggestion, because I think, between those two times...

Woman: Whatever.

Woman: ...not always the same people inconvenienced.

Woman: Yes.

Woman: Two (unintelligible).

Man 1: Yes, so that's - so just to be clear...

Woman: Yes.

Man 1: ...the proposal is to rotate - to alternate, rather than rotate it - alternate between two specific times, sequentially. And so that - it'll just flip over each time and...

Woman: Yes.

Man 1: ...so...

Woman: So 13:00 and...

Woman: Don't even discuss it; just go on.

Man 1: Okay, so 13:00 and 22 is the proposal based on the mentor of the group. And we're now looking at - and I'm hearing every two weeks feels like the right frequency.

Man: Yes.

Woman: Yes.

Man 1: Okay, so we will schedule that out and we will publish that out between now, probably, and October. We - of course, we may not need to go all that time, but 'till the annual ICANN meeting. Whatever schedule, everyone's got that because, of course, the drafting team might well roll into the working group in any case, so it won't do any harm to have that time booked in.

I guess there's going to be a - the question of which day, but we can deal with this...

Woman: Yes.

Man 1: ...online. But is there any - I mean, yes.

Woman: Yes, we can see there a bit to see what other groups are already running...

Man 1: Exactly.

Woman: ...because I know, for example, the RDS working group runs and rotates on Tuesdays. I don't know of new gTLDs, if they've already picked their working groups or we have some big project that...

Woman: (Unintelligible), yes.

Woman: So we may just look at that, and on the basis of that, suggest a day - maybe Thursdays, for example, or maybe Wednesdays. I think those days are not taken yet by any - some of the other working groups. But of course, we'll need to check as well as - I know you all work in different communities as well and they have different standing calls.

Man 1: Yes.

Woman: So we can have a look, at least, at the policy calendar where we at least, I think, have a view of all of the policy community calls...

Man 1: Okay.

Woman: ...and on the basis of that, maybe propose...

Man 1: We should do that shortly. So we'll come back with a series of meetings and the schedule. So that deals with that, then.

Alright, so let's get - let's sort of get on record, then, the feedback from - this is moving onto Item 2, then. I think that we've covered the sort of administrative stuff. Let's get on record the agreement or understanding of the role of the board members in the group -- if there's any comments you would like to make.

I mean, I feel like we did talk about this in the - in one of two forums before, but we haven't brought it back to this group. So any thoughts or points on that?

Woman: Do you want to (unintelligible)?

Woman: I - you know, (unintelligible) just speak loudly because...

Woman: It doesn't work. Sorry.

((Crosstalk))

Woman: Especially Asha, you need to speak louder than...

Erika Mann: So the main preface from us to be taught would be good for the board to be present from the very beginning (unintelligible) that does a - that there might be some discord between what you want to pursue and the limitations the board might have as we got to certain topics so that we are aligned from the very early phase and we operate as one group together. And this is the main idea.

So because we think it might take too long, if you first develop something and then we have an objection to a particular point - and the objection would be because there may be financial restrictions or we have all these restrictions, so we have some kind of legal restrictions, which would feed our thinking -- so nothing else. So we thought it would be much nicer if we could do this from the very early phase together so there's no idea of shaping any other agenda and then what you would love to pursue -- just the idea let's do it together from the early phase.

We then can feed, obvious, back to the board. And then, when the final product is there, we - and ideally, we can just go and move ahead as one group together.

Man 1: Okay. Just to check - and so the - this sort of coordination and (unintelligible) avoiding divergence, but then the...

Erika Mann: Yes, take the divergence - yes, thank you.

Man 1: Okay. So it's more about coordination...

Erika Mann: This was a - coordination, yes.

Man 1: ...and then the second part of the notes shows the board has legal and fiduciary duties and making sure that...

Erika Mann: Correct.

Man 1: ...the work of the group is not inconsistent with that.

Erika Mann: Correct.

Man: Okay, great. Good.

Woman: Yes.

Man 1: Asha, did you have...

Asha Hemrajani: No, I think Erika said it all. I just want to emphasize we're here so - because we want to make this a collaborative effort.

Man 1: Okay.

Asha Hemrajani: I cannot emphasize that enough.

Man 1: Okay, great. Well, I mean, from my point of view, personally speaking, you're most welcome. And so I think you should feel that.

Asha Hemrajani: Thanks.

Man 1: And I think you both have - I'm certain you both have tremendous skills and experience that you can contribute. So has anyone else...

Woman: So just to - I don't know if we - discussed this last time. We may have; pardon me if I'm repeating. So Erika's chair of the audit committee and I'm co-chair of the finance committee and because we have these - fiduciary...

Woman: Fiduciary - yes.

Woman: ...(unintelligible), we - that's why we're...

Man 1: I think that's actually helpful because not only is the- it's the board's role, it's your specific role...

Woman: (Specific) role as chair...

Man 1: ...of chair - as chairs of subcommittees on the board, which give you unique...

Woman: (Unintelligible) fiduciary oversight, yes.

Man 1: ...and specific responsibilities. Okay, great. That's good to hear. Has anyone else got any - hi, good morning, Olga, and welcome. So...

Olga Cavalli: Hi, (unintelligible) how are you? Sorry for being late.

Man 1: No problem and we can make the record show that Olga has been able to join the meeting now. So welcome. So, Olga, just to bring you up to speed, we've just covered some - we've really covered, at a high level, a recognition that this work is important and we're going to give it - we're going to do a quality piece of work and we're not going to rush it.

Olga Cavalli: Okay.

Man 1: So that's the first point and I think - and then, in dealing with that, we've dealt with some planning stuff about how that's going to work. And then we

followed on with - we've gone onto Item 2 now, which is dealing with the role of the board members. And you'll be able to pretty much pick that up from the notes as they stand.

And we've got to - we've actually got to stop, likely, at 8:30, or at least as far as the board members are concerned. But, you know, I'm not desperate to run the meeting beyond that if we don't need to. We can cover what we need to now and see how we go.

Has anyone else received any feedback -- negative or positive comments they'd like to make in relation to Item 2 role and participation of board members in the group. Edmon.

Edmon Chung: I mean, you're - not necessarily received the feedback, but it's, generally, I - one thing is I'm interested to get a sense - sorry, coming in new - what the context is for kind of asking that question. There have been concerns about board member participating in policy development work before, but this is not policy.

So I think we should welcome participation. I'm curious where the - what the context is in sort of...

Man 1: Yes, well said. And I think my understanding of the context of that question is - well, it's not - it's possibly partly to do with policy and just making sure that it's known and understood. There was an exchange of letters between GNSO council chair and the board - chair of the board and James - well, the reason it was myself, I guess, was the correspondent on the one side and Steve Crocker...

Man: Steve Crocker.

Man 1: ...and that was followed up by further correspondence. And, essentially - and the unintended tone, if you like, was it appeared to be quite a forceful insertion of...

Woman: Yes.

Man 1: ...the board and staff members. This is a community drafting team. So I think it was felt it was a good idea to just get it on the table and understand - and that's also in the context of the CWG accountability where the board and the accountability group sort of didn't ever get off to the right start in terms of a known understanding of roles.

And of course, arguably, there was a potential conflict of interest there and that sort of - that went through some kind of stop-start and misunderstand when the board should or shouldn't be involved and whether the board got involved too late on specific (unintelligible). So I think we felt it was better to get it up front -- decide and understand how that works specifically in the context of those letters. But that's my take on it. Marika.

Marika Konings: Yes and - this is Marika - just to note as well that there was a topic of conversation between the GNSO council and the board during the weekend session. And I think it exactly goes to Jonathan's point that it's more about, you know, getting clarification on what the intention and the expected role is to make sure that everyone up front is clear that - what can be expected, and also, of course, factoring in that, you know, at the end of the day, these recommendations are intended to go to the board.

So we're - how does that relate to the participation now. And I think, at least the sense I got from the room - and I do suspect there will be a follow-up letter from James and (unintelligible) into that as part of that conversation to - and - you know, to make sure that there's ongoing engagement and it's merely about, you know, making sure that everyone understands and is clear

on what the different goals and responsibilities are so there are no surprises, you know, halfway through the process from neither side.

Man 1: Yes, I suppose there is another way of looking at it, and that is this is a community initiative initially kicked off by the GNSO, which is why the GNSO chairs the other - on the other side of the correspondence. Yet, it's a board responsibility, ultimately...

Marika Konings: (Unintelligible).

Man 1: ...to have an oversight on those funds. And so your danger is your community comes up from bottom-up and says we do - ultimately, that's what we're going to do, and the board says that's inconsistent with our responsibilities. And now I know, Steve - I've talked to Steve and Steve, personally, has some quite strong views and he's been a participant, and so I guess we need to bear those in mind.

But that's slightly different than this point, which is...

Man: (Unintelligible).

Man 1: ...is that the responsibility is to make sure that it fits within the legal and fiduciary parameters.

Erika Mann: I think...

Man 1: Go ahead, Erika.

Erika Mann: Yes, that's, I think, what is important. I think we should restrict the participation, you know, to and (unintelligible) we should see the participation of the two board members from a legal and fiduciary responsibility.

Man 1: Yes.

Erika Mann: I agree with you; it's - because even what Steve might have said, you know, I...

Woman: (Unintelligible). Go ahead.

Erika Mann: No, I'm - I think the group might not even be aware or might not have read the letters. So it...

Man 1: Yes.

Erika Mann: ...probably shouldn't play a role in this context now -- (unintelligible) base.

Woman: So - but I think as well, something I think, and maybe that's something that needs to be spelled out eventually in the charter, I don't think it should prevent board members in their individual capacity to bring up ideas, suggestions...

Man 1: Sure, sure, sure, sure, sure, sure.

Woman: ...(unintelligible) members can also participate in PDP working groups as (unintelligible).

Erika Mann: But that's something else.

Woman: So - but I think it needs spelling that out in the charter, so (unintelligible) very clear. And as well, when you speak, making very clear this (unintelligible)...

Erika Mann: That's what I mean.

((Crosstalk))

Woman: ...or this is me as individual board members (unintelligible) suggestions.

Erika Mann: That's what I mean.

Man 1: Yes.

Woman: I think that will be (unintelligible).

Erika Mann: Exactly, exactly.

Man 1: Did you want to speak, (unintelligible). I've got Russ coming and then (unintelligible).

Woman: I just think, on this topic, it's important to remember that within the drafting team itself, we're not talking about bringing individual inputs to it. This is about coordinated consideration of what we want to see in there to make sure that we have recommendations that can be approved...

Man: Yes.

Woman: Exactly.

Woman: ...and then the substantive discussions is where you'll probably see (unintelligible).

Man 1: Yes, and that's a really good point. For a number of reasons...

Woman: I think so.

Man 1: ...all of us are going to have to have the discipline and to recognize this is their drafting team, not the working group.

Erika Mann: Yes, exactly. That's what I mean.

Man: Yes. Very important.

Erika Mann: We have a lot - something very different.

Man 1: Yes, go ahead, Russ.

Russ Mundy: Thank you.

Woman: (Unintelligible).

Russ Mundy: We - one of the things that is also an impact on any of the cross-community type of working groups such as this is that each of the constituencies or SOs or ACs has a different way of conducting their own business. And so from my perspective, as an SSAC person, I am able to express a sort of a general opinion or a view.

I cannot speak for SSAC. You know, whenever we finish and we're ready to go to the charting SOs as SCs, then we need to go back to get the official incurrence. But that's one of the things I wanted to point out -- is anything that I'll say, I'll do my best to make it my best sense of what the expression of SSAC is. But I do not speak for SSAC, so the only way we do that is coming back to it and putting out a formal document.

Man 1: Agreed and understood. Yes.

Russ Mundy: So (unintelligible).

Olga Cavalli: Can I?

Man 1: Yes, go ahead, Olga.

Olga Cavalli: (Unintelligible) my comment goes exactly the way Russ (unintelligible) is I have just (unintelligible) to the GAC. I have some ideas of what, in general, the group things. Anyway, we have different opinions in the GAC.

We have one hundred (unintelligible) by the way.

Woman: Yes.

Olga Cavalli: So - and we have different views of different things. So I give some opinions in the process, then I will have to go back to the GAC and have the feedback from the GAC. And so that is something that should be taking (unintelligible).

Man 1: Thanks. Thank you. Russ.

Russ Mundy: If I could just add one more, my hope is that we would have the same type of participation from our bird folks that our understanding is that they're speaking as knowledgeable, capable individuals possibly expressing a view of the broader board. But knowing that they'll have to go back and - just like the rest of us...

Woman: Yes.

Russ Mundy: ...and work with (unintelligible).

Man 1: So here's the subtlety. The board is not a chartering organization...

Man: Yes, right.

Man 1: ...and the board - but the board has a fiduciary - a duty, and therefore, it makes logical sense that the board should be active in its - in both as a board, but also at - we can rely on the capability of these individuals as well, which is great. It seems - I don't think there's a contradiction there or any...

Woman: I wanted to raise one thing going to the board not being a chartering organization. We all agree and the board has stated it doesn't intend to be a chartering organization. But because of the specific legal and fiduciary issues that are raised here, we were considering that the board may want to affirm the charter just to say yes, this meets our requirements.

If there's ever (unintelligible) the potential that the charter gets changed down the road, that the board would want to affirm that those legal requirement portions don't - aren't changed and that any change to the charter is still okay as it relates to those legal portions.

Man 1: I think that...

Woman: That's an issue I wanted to clarify.

Man 1: In my - I mean, let other respond - it doesn't feel like an issue to me. It feel like, in fact, potentially a positive thing because the board...

Woman: (Unintelligible).

Man 1: ...has - we don't make the board a chartering organization, but it has a function analogous to a chartering organization. (Tony).

(Tony): No, I just have a question. To refresh my memory, when we're done with this work, it goes up to public comment or not?

Man 1: I think it just goes back to the chartering organizations; I don't think it goes...

Woman: Yes.

(Tony): Okay.

Man 1: through a public comment process. Marika.

Marika Konings: It is an option for the group.

Man 1: Yes.

Marika Konings: If you would decide that you think it's helpful, but, you know, at the same time, it is, of course, the chartering organizations that need to agree to it. So, you know, it may be helpful to get public input, but where you really want to get the input is from the chartering organizations, whether it's something they're willing to sign on or not.

(Tony): I'm not suggesting public comment.

Marika Konings: Okay.

(Tony): I think that would be a nightmare.

Marika Konings: Something to consider, though...

Woman: Yes.

Marika Konings: ...and that's always a challenge with having a charter that's approved by different groups that you need to think very well about the sequences or really make sure that the charter in that state is accepted by all those chartering organizations because you don't want to be in a situation where one has approved this but another one comes back and says oh, I want these and these and these changes.

So that is something in the sequencing and the coordination, and I guess that's why, you know, everyone has a role...

Man: Yes.

Marika Konings: ...in respect to their different groups to make sure if there're red flags, that those are identified before (unintelligible).

Man 1: Okay, so that's a really important one going back to our earlier project planning points because what we need to do, we'll need to socialize a draft charter then and make sure that there's no red lines in that draft charter before we put it out for - Asha.

Asha Hemrajani: Yes, I was going to say that and extend that point, which is in their project plan, we can also mention when you want to submit it to the SOs and ACs for their approval -- have that as a milestone -- when we expect to get it back and then when we can (unintelligible).

Man 1: Yes, yes.

Asha Hemrajani: And the second point I wanted to make is something to what you alluded to Marika. I'm not so sure - I mean, I'm glad - I think we are pretty much consensus as to how board members will give input. I'm not so sure I can put on a hat and say now, I'm speaking as finance person or now I'm speaking as an individual board member.

I'm just going to give my inputs. But given, without telling you what hat I'm putting on, but with the underlying understanding that we are hear not as a chartering organization, but we are here to give input and (unintelligible) collaborative fashion.

Man 1: I think the most important point there is almost to be clear if there is any board position about anything you're saying. I think that's the most important - but I - it's really if this represents, in effect, a board position, that's probably most important rather than anything else because...

Asha Hemrajani: So, as Russ mentioned, that's something we will have to take back to the board and we are planning to do so before the June meeting. We are

planning for something in May -- so to see - you know, to socialize with the board, get their inputs, and then, of course, we'll have a better idea.

Man 1: So, actually, that's a practical point. You - when I hear that, I suspect that's your retreat in May.

Woman: That's the retreat and May and...

Man 1: So we can put that into our planning see if...

Woman: Yes.

Man 1: ...it just - what we can...

Woman: If it fits.

Man 1: ...because you can then set expectations of, you know...

Woman: Yes.

Woman: Yes.

Man 1: ...you'll give us a five-minute report back or...

Asha Hemrajani: (Unintelligible) a bit thick.

Woman: I'm not sure if this gasoline or...

Woman: I think it's those things on the knees, yes.

Woman: They died.

Man: And...

Woman: Maybe these things died.

Woman: Can we open the door (unintelligible)? Thanks.

((Crosstalk))

Woman: Something is not right.

Man: Yes.

Man 1: Oh it is - I think...

Woman: (Unintelligible) is going to get the (unintelligible)...

((Crosstalk))

Man: ...dying.

Woman: It's the second one that is dying.

Man 1: You're right, it's not - we'll leave the door open now.

((Crosstalk))

Jonathan Robinson: ...yes, it's a very good.

Erika Mann: Can you open the other one?

Jonathan Robinson: Yes, it's open on that side, so there will be - That's not very (admissible).

Erika Mann: Oh, my god, it's a mess in there.

Jonathan Robinson: Yes, I think just leave it.

((Crosstalk))

Man: Yes, it felt like some gas had fallen.

Jonathan Robinson: Have some more coffee. Two-minute break.

Erika Mann: Pretty awful, what is in there.

Jonathan Robinson: Yes.

Erika Mann: No worries, Terri. Erika is taking care of it.

Erika Mann: There must be a way to kill them.

Woman 2: I don't know how.

Erika Mann: Maybe just put something on top, and then they'll probably die.

Man 2: I wonder what the (unintelligible).

((Crosstalk))

Erika Mann: Thank you.

Woman 3: it's hitting us over here now.

Woman 2: Yes, I know. It wasn't over here before.

((Crosstalk))

Jonathan Robinson: Let the record be shown that the past Working Group ended up high on fumes.

((Crosstalk))

Man 2: It is very, yes, unpleasant.

Woman 2: We're thinking of the window through.

Erika Mann: You should see what is in there.

((Crosstalk))

Man 2: Maybe we should not see what was in there.

Erika Mann: I don't know what happened there.

Man 2: So was it gas escaping?

Erika Mann: Not even sure. I don't know what has happened.

((Crosstalk))

Erika Mann: Didn't look like it's (twisting either).

Jonathan Robinson: Does anyone have the remote for the air con, because that's now right here. Does anyone have the remote? So we can switch it off.

((Crosstalk))

Woman 3: Bottom right-hand corner.

Erika Mann: Yes, the switch is off it now.

Jonathan Robinson: All right. Now we can get on with it.

((Crosstalk))

Jonathan Robinson: In a few minutes we will all be cold, now.

Man 2: Yes, exactly.

Woman 1: Cold for sleeping.

Man 2: Yes, that's all come out like, you know, vapor.

Jonathan Robinson: Okay. So let's come back to the agenda. Now, I don't know how much time or energy anyone has been able to put into the next couple of items. I think we're done with Item 2. And this is a review and discussion of points on the discussion paper. The comments just need, in particular, that those are deemed pertinent to the Charter.

It feels to me like this may be something logical to get on with one or two volunteers to go through it and try to map those over. So Marika, what we have on the screen in front of us here - is this those that have already been pulled out of that document?

Marika Konings: Yes.

Jonathan Robinson: Okay. So you've done the preliminary work. And it's now a matter of, in effect, mapping those into the Charter, or we could work them systematically, I suppose.

Marika Konings: Exactly. I don't know if it would be helpful. Indeed, if there are a couple of volunteers, we'd basically just add a column to it. And then you just put in, like, well, not relevant or yes, we'll do so or, you know, this is - because as

well some of the comments, you'll see probably either and/or for the drafting team or CCWG. So some of them may as well, you may just mark, you know input for the CCWG.

Jonathan Robinson: Are they already highlighted as such, or -

Marika Konings: Well, some we said both, because some of them are basically, you know, a package kind of thing, so some elements may be relevant for the drafting team while some actually are more relevant probably for the CCWG.

Woman 2: I agree.

Jonathan Robinson: Is anyone particularly interested in taking this on? I think it probably needs a couple of people to go through it and try to find - map it onto the drafting team. Any volunteers? Any?

Erika Mann: I'm happy to join.

Jonathan Robinson: Okay. So thank you.

Erika Mann: Do on - make it work. Yes. The mapping.

Russ: What time - if I remember, I looked through it quickly when it first was sent out. There was probably 30 or 40 comments.

Marika Konings: Yes.

Erika Mann: Thirty-five.

Marika Konings: Yes.

Russ: So I can work with that; especially if we're looking at a two-week schedule.

Jonathan Robinson: Yes.

Russ: In the next couple weeks I can.

Jonathan Robinson: That would be great. And so I think, Marika, find an empty template. Now just on a pure practicality, go ahead and -

Erika Mann: And empty, or just a spec? I think I would love to have a column and just (pick up).

Jonathan Robinson: I mean an additional column. That's what I meant - an additional empty column to populate with that.

Erika Mann: Would be nice.

Jonathan Robinson: Apologies. I think we're going to work with Google Docs. I think we discussed that earlier. So that will be circulated both as a Word document, but typically we'll rely on Staff to produce the red lines, based on the edited Google Doc. So you'll get a link to it - is that?

Marika Konings: Well, if this is only two people, it may just be quickly to have it as a Word document and send it to just both.

((Crosstalk))

Jonathan Robinson: Fine.

Erika Mann: I'm fine with both.

Ayesha Hassan: But you - pardon me, but as a general question, we were discussing the other day what would be a good way to store and -

((Crosstalk))

Erika Mann: Google Docs is always (nice).

Marika Konings: Yes, we have for the other - for the template, we've put it as a Google Doc. And depending on more - if it's really intended to be collaborative among a lot of people, then you want to have it centrally, but if it's just between a couple of people, it may just be as easy setting it up like that, because, so if you really want to move it into the -

Ayesha Hassan: Maybe you want to stick it in first because (what it is, you want) people will have it.

Marika Konings: Yes. And then - exactly.

Jonathan Robinson: Exactly. Yes. Okay. So we can work with the practicalities of that. Just if you're stuck at all, contact myself and Marika, and we'll work with you. And we should probably have a - who else is - Terri, are you permanently on this group as a Staff member, or is it -

Marika: David will be helping me.

Jonathan Robinson: Okay. So David and Marika are the Staff. So I think we'll have a nominal sort of leadership Staff group, which will be myself, Marika and Alan for any coordination stuff. I guess - we're such a small group - most of it will just simply on me - on the mailing list.

Okay, so would anyone like to make any specific points about those comments at this point to get them on record to assist Russ and Erika in getting going? Is there any -

Woman: (Unintelligible).

Man: Oh, yes.

Woman: (Unintelligible)

((Crosstalk))

Jonathan Robinson: All right. Is there any - going to be lasting effects from that? I hope not.

Woman 2: No.

Jonathan Robinson: We might find out.

Woman 2: Our latest and greatest today.

Jonathan Robinson: Yes, exactly.

Erika Mann: Exactly. A class action suit.

((Crosstalk))

Ayesha Hassan: Okay. That's not funny.

Jonathan Robinson: And what have the directors said.

Russ: No recordings

Erika Mann: Exactly. No recordings.

Jonathan Robinson: Take me off the record.

Erika Mann: Let's have some fun.

Jonathan Robinson: Fine. Okay, so it seems to me like there's not substantial progress we can make here, but we can assign that, and thank you very much, Russ and

Erika, for offering to take that forward. And I suspect we're in possibly a similar position in terms of the next item, which I don't seem to be able -

Marika Konings: I'll just for a second pull this down so you can actually see. So this is the Google Doc we've put up with the Charter template. And so far, only - I think - Silvia has gone in and has made, you know, some comments and added in as well some language.

I think the only language she has added so far is actually in the background section, or kind of I think she cut and pasted some language from the discussion paper which just provides the background as to where - what auction proceeds come from and what the current status is. I think she added some comments to the beginning, but I don't think in any of the other sections any work or comments have been made yet.

Jonathan Robinson: Yes.

Marika Konings: So maybe that's an action item for the next meeting, and I don't know if you really want to go - I don't know if it makes sense to do for the next meeting go section-by-section, and start discussing, and get some ideas out and, you know, one of you - or one of Staff - takes the panel on the basis of that. Draft some language, or whether you really want to go away, and get someone to start drafting, and then discuss -

Jonathan Robinson: Yes.

Marika Konings: ...something for the group to think about what makes the most sense. And also, of course, looking at the Charter in the context of the work of the CWG principles.

Jonathan Robinson: Yes.

Marika Konings: To be sure that that's factored in as well, and that those are - there's some best practices in there. I mean the template comes from that effort, so a lot of it is already in there.

Jonathan Robinson: So let's maybe capture those as the three steps that are required. So the actions are really review of Charter by individual members - and comment and input, I think. I think it's then a collective review of the Charter by the group, section-by-section, and then third will be cross-checking of that against the principles - cross-checking of Charter against the principles of the CWG.

(Tony)?

(Tony): Give me the microphone. Just - I don't quite remember everything that was in there, but from discussions I participated in this week, I think that one of the most vital elements that this must contain at the end of our work is - I saw some guidelines in text.

Again, I don't know which document it was. It was put up in one of the meetings - where there was some guidelines as to appropriate uses of the funds. In other words, they should be related, let's say, to the DNS, and there were two or three guidelines.

I think that that should be very carefully worded and put into the definite Charter, because otherwise the Working Group will spin off in a thousand directions, and you have people saying, "Well I want to give this - you know, I want to send grains to Somalia or something with this money." And it may not be that this is the intent of the original motion.

Jonathan Robinson: Okay.

Marika Konings: Yes, I think the language you're probably referring to is what is in the New gTLD Applicant Guidebook. Because I think there it has specific language,

indeed, around what the funds should be used for. And because I think - that's from the presentation I pulled up, there was a quote. So that's maybe something we can certainly -

(Tony): In the last page, I think, your presentation.

Marika Konings: Yes, exactly.

(Tony): You put - there was some wording there.

Marika Konings: And that comes in the New gTLD Applicant Guidebook. So maybe that is something you can -

Jonathan Robinson: So there, that's a really interesting point. So we - it would be great to recirculate that, please, Marika, if you wouldn't mind.

And then the issue for us as a group will be does that belong in the Charter - that specific language? Or do we in the Charter make it as a point that the group must make substantial reference - or something along those lines - to the New Applicant Guidebook because, you know, that's obviously a key defining document.

But you're right. I mean, tying those two together - that sounds very sensible and making sure that we've got that right. Okay, so that's a good point. Reference, then, the Applicant Guidebook. Russ?

Russ: I have, in fact, at this point a question for our Board representatives. Are you - are there constraints that you're aware of that we have to stay within the bounds of - relative to what is actually done in the end with the funds?

Do we have to, in fact, be able to demonstrate some relationship to the Applicant Guidebook, which was the activity that caused the funds to be

generated? Or is there, if you will, an open field from the Board and, you know, fiduciary and -

Erika Mann: I mean, I can talk from my - she will have probably a different - you want -

Jonathan Robinson: And I just thought Sam might - Sam, make some comments, maybe.

Erika Mann: Awesome. Yes.

Samantha Eisner: To set the ground, so, the language that was included in the Applicant Guidebook was very carefully (composed). The same reason we're sitting here, the Board and I are participating in this effort. But there are legal requirements on what I can and can't do as a 501c3 in both accepting funds - which is the reason that ICANN didn't take in the funds as part of its own general operating fund - as well as in distributing funds.

So we have regulations on how it must - how we can't inure to private benefit and (something). So we'll be bringing that to the table, and that's - part of what we hope to have reflected in here is the guidelines of how you can accept -

Jonathan Robinson: So, Sam, would you be in a position to provide us with some kind of briefing notes on that?

Samantha Eisner: Yes. We're working on that.

Jonathan Robinson: Okay. Because I think that would be very, very helpful in informing this group.

Samantha Eisner: Yes.

Erika Mann: And then there are obligations like, for example, that we are tax-exempted. So there are certain things one needs to look into that, you know. And there needs to be experts which have to look into it.

We might need to reach out to a tax expert, or I will have a discussion with (SAB-EE), and we will have a chat with auditors if this is impacting - do we need, for example, a second audit for this one - a second, you know, company we work with? Maybe not the same or subsection. So there are certain things we need to check ourself. We have somebody else looking legal side. You know, looking into it. Just -

Samantha Eisner: Right. But it doesn't mean that the application of the funds has to be limited to things mentioned in the Applicant Guidebook.

Erika Mann: No.

Samantha Eisner: It will be a framework of this -

((Crosstalk))

Erika Mann: I don't think so.

Samantha Eisner: ...view. So things that support.

Erika Mann: But somebody needs to check this. Yes.

Jonathan Robinson: Yes, but I suppose those separate into two quite specific categories. One is what constraints we have to work with, which is what we were talking about originally. And those constraints might be derived from the Applicant Guidebook, from applicable law and so on. So I think that will be very helpful.

And then the second is, the practical issues you have to deal with in administering those. But in a sense those don't concern this group. That's about -

Erika Mann: I agree.

Jonathan Robinson: ...what ICANN, the corporation, has to do in executing whatever comes out of all of this, but from this group's point of view, the most important is that we -

Erika Mann: The first.

Jonathan Robinson: ...understand any - you know, boxing in any constraints, parameters in which -

Erika Mann: Totally agree.

Jonathan Robinson: Ayesha?

Ayesha Hassan: So to follow on from what you're saying about what would concern this group, some of the things that we were thinking about as individual Board members as to what would be good input for this would be, for example, that the people who decide how the funds will be used shall not be the ones who benefit from the funds. That's the kind of thing you would want to have in your Charter.

Russ: That's in the letter from the Board, actually.

Ayesha Hassan: Yes.

Jonathan Robinson: Yes, I agree, and I totally get that, and that's a sort of conflict of interest provision, and that's more a principle. And so I'm getting that's something which is good and necessary and we should do.

But it's not a hard line, as much - I mean, ultimately it will become, but it's really sort of the real foundation is that at the outside level is these legal parameters, whatever where there's really hard lines - where it's nothing to do with our views on conflict of interest or whether we make it consistent with the Board's conflict of interest policy or -

Ayesha Hassan: Okay, so you mean, you know, non-negotiable.

Jonathan Robinson: Exactly. It's absolutely firm, because it would be a breach of ICANN's - of California law or whatever hard parameters there are.

Ayesha Hassan: I guess, then, there might be three categories. One would be the non-negotiables, one would be what would constitute good corporate government -

Jonathan Robinson: Exactly.

Ayesha Hassan: ...and then, it would be nice to have.

Jonathan Robinson: Exactly.

Samantha Eisner: We'll explain in there - so it's interesting that, because taking decisions about conflict of interest actually is part of the fiduciary bond. So we'll try to map out how this all - how it all works. But you're right. There are the fundamental principles first -

Jonathan Robinson: Yes.

Samantha Eisner: ...of just - when you're thinking about how to spend the money, that these are the places - the types of things - you can and can't do. And then it's who you give it to.

Jonathan Robinson: So again, we're not likely to get to that for a long time, but if you know that's going to be an issue down the road, you might as well have that in your sights right at the very early stage.

Ayesha Hassan: So this conflict of interest might be in the first bucket.

Jonathan Robinson: Exactly.

Ayesha Hassan: It might. So it might be worth our discussing them now, and we can decide which bucket later.

Jonathan Robinson: Sorry, Russ. I know we're going to come to you in just a - what I'm really keen to is a capture. We've got an action for Sam to come back to us with a briefing note based on, you know, the legal or hard constraints that this group might eventually face. And so if we could capture that, that would be great. Yes, okay.

Russ: And from the perspective of the drafting (came) versus the acting (CCWG) that's (briefed), how many of these things - as especially the boxed-in things - do we as a drafting team feel is important to get into the written Charter before it ever gets -

Jonathan Robinson: And that's to me, personally, it's not yet clear to me until I see that document. I agree with you. Because it may be that those are constraints really for the Working Group and not for this group, but without seeing them and knowing, we - yes, so agreed.

Anyone else if we - Olga?

Olga Cavalli: No, I have to go. Sorry. I'm accustomed to it. I don't know if this is for the drafting team or -

Ayesha Hassan: Olga, speak into the mic.

Olga Cavalli: ...for the team. There is - or just a general comment. There is an expectation in the GAC that some funds could be focused in leveraging the presence in the next round or enhancing the DNS in underdeveloped regions and developing countries. As you might have seen the statistics from the first round, participation of Africa and Latin America was very low.

So I'm not saying that it's the idea of all the countries the same in the GAC, but there is a constant comment about that - expectations to focus more in underdeveloped regions and developing countries to enhance the DNS structure and participation of those regions. Just a general comment. I don't know if it's for this stage, for the next one, or for someplace in the future. Thank you.

Jonathan Robinson: I guess that's an interesting one. I'm not quite sure when that kind of principle or, you know, if that becomes something that becomes a guiding - when that comes in. I guess we need to look back at the Charter.

I think that's really the value that individual members can put in it. When you look at the categories in the Charter, and think about what your groups might require, or what makes sense - but just at a very high level.

I mean, we're scoping the work of the Working Group. The Working Group is then going to have to set up how those - even at the Working-Group level - we won't be specifically defining where those funds go. We are setting up a structure that will administer those.

But it's - knowing that there's a kind of end goal that you're going to get pressure from in your group - no bad thing about saying, you know, where could this be accommodated and at which stage?

Olga Cavalli: This is why I've brought this up now. I'm not sure if it's a drafting team issue or the team issue or -

Jonathan Robinson: I've got -

((Crosstalk))

Jonathan Robinson: (Tony), and then Erika, then (Lyman).

Erika Mann: Take them first.

Jonathan Robinson: Okay, (Tony), (Lyman) and then Erika.

(Tony): The wording that Marika showed - and I remember it from the Guidebook - actually I think it refers to this.

Marika): Yes.

(Tony): What you are saying is included, if I'm not mistaken, in the Applicant Guidebook in the Guidelines there. So you're on track with that.

Olga Cavalli: Okay.

Jonathan Robinson: Okay. So we're going to see that wording, and Marika will share that. And again, I encourage you to look at the sections in the Charter, and see what the Charter - the purpose of the Charter is - and see if and when those make their way - which area they make their way in as we go through this next iteration and try to draft the Charter. So I had (Lyman) next.

(Lyman): The point I wanted to make - apologies for arriving late, and you may have already discussed this - but certainly my instinct when drafting a Charter - as opposed to being in the group itself - is to be very careful not to put in any boundaries other than the ones that are absolutely essential.

So it's to give the group, which is actually going to do the kind of thinking about what to do with these proceeds, as much freedom as they - as you possibly can to explore all possible ways of going at it.

So just as a sense of the group, are there any - other than the legal constraints - are there any other constraints that we would want to put into the Charter? Because my sense is that you know you hold back - you hold the line back as far as you possible can - to allow as green a field as you possibly can. But if we are aware of any constraints that will necessarily hedge what that group can do, then there's no reason not to put them in.

Jonathan Robinson: (Lyman), that's a really good question and I think - I have to be honest - I'm not sure, but this potentially one of them. And we discussed this earlier. And this derives from the New gTLD process, which derives from the Applicant Guidebook, and therefore the Applicant Guidebook may be a parameter.

(Lyman): Yes. This would actually follow just from a reading of California public benefit corporation law.

Jonathan Robinson: Which is, as Sam says, it was one way it was probably derived from in the first place in the drafting.

((Crosstalk))

Jonathan Robinson: So hopefully they - go ahead. First, I think we've got Erika and then (Edmon).

Erika Mann: I think (Lyman) is right. I would subscribe to this. I think the one other maybe boundary would be it should - it should support the DNS ecosystem. I don't think that we want to go outside and start - I don't know -

Woman: Unless (it's outside our Mission).

Erika Mann: Oh, I can - the Mission- something which constrains us in the sense that it relates to our world would be my - and probably we have to do it anyhow. I don't know if that would be a legal requirement.

(Lyman): But that's - just to that point, specifically, in drafting Charter language - which I think you have to be very careful that you don't inadvertently - without intending to - put in a boundary simply by the way you word it.

Erika Mann: I totally agree. Totally agree. Have to be super-careful.

(Lyman): To have something like this, which refers to the Mission, there's a large body of established precedent for what this might mean.

Erika Mann: That's correct.

(Lyman): And rather than try to come up with additional words -

Erika Mann: I agree. No additional words.

(Lyman): ...we might, without our intending to, put barriers in the way. Yes.

Jonathan Robinson: So, at a principled level, a Charter that's sort of bare in that sense; it covers what is required, but no more. Yes, okay. So I've got (Edmon) and then Russ.

Edmon Chung: I agree very much with what (Lyman) said, and I think the first sentence is probably the key. It talks about the non-profit status and also the Mission and Core Values. That sets the bounds.

But I wanted to also go back to what Olga mentioned. In order - actually the last point that (Lyman) made is make sure we don't inadvertently, you know,

bar something out. Is - to actually, potentially, go through some of the scenarios as well.

So I don't think we should throw away, you know, can't talk about scenarios. It's important to talk about scenarios to make sure that we do set the bounds broadly.

Jonathan Robinson: So, I agree. I think that feels like a very good point. And we'll just have to think about that as we go because, as I say, we're depending - we probably need to develop as common a view as possible about what the scope and purpose of the Charter is. What the scope and purpose of the Working Group is, and then the ultimate disbursement to the funds.

Because that's really - the product of the Working Group will be a mechanic or an organization or a capability to manage and disburse those funds. So I suspect it's going to be a real temptation from the get-go, even at the Charter level, to talk about the disbursement of funds, when meanwhile, that's two or three steps down the track.

And so - but I'm not arguing against, but I think a through testing is still very valid. Erika, if you want to respond, because Russ is waiting.

((Crosstalk))

Erika Mann: Well, just this. I think this was just a reference that I think we should do. Maybe do two or three scenario tests that the language would survive. I potentially support something like what Olga was saying.

((Crosstalk))

Jonathan Robinson: Yes, yes. I agree. I think - yes.

Erika Mann: Not to put it into the Charter, yes.

Jonathan Robinson: So I've got Russ and then (Tony).

Russ: Thanks, Jonathan. I wanted to respond to something Erika said a little bit ago in terms of speaking about what might be done with respect to the DNS. And although DNS is a huge part of the ICANN mission, it's not the only part.

Erika Mann: No.

Russ: So we need to be careful -

Erika Mann: Totally right.

Russ: ...but thinking of it as Core Mission -

Erika Mann: It's fine.

Russ: ...and (kind of things). And I think if it makes a reasonable reference for other people - I know it helps and works for me very much, but then I was an ICG member - but to think about the structure of the integrated proposal that's going forward on transition that is the - that tends to be a fairly complete set of things that match that.

Jonathan Robinson: That is - so I mean, just two thoughts for you. One, that's very carefully worded, as Sam said. In fact, and as Edmon pointed out, the first two lines are really what it's about. Because the rest is possible - it's open.

The second is, what I'm not yet clear on - I think it will become clear shortly - is whether the Charter will use that first sentence, or whether the Charter will say, "The Working Group must be constrained by that first sentence."

So it's going to be - it's a matter of figuring out how that fits in and plugs into the Charter, but it seems to me we're all on a common page. Keep it

minimum; keep it respectful of - and by definition - of less kind of tight language.

How are we doing in terms of - I mean, this is a very productive conversation -

Marika Konings: We (don't want to get over).

Jonathan Robinson: I figured you've got -

Ayesha Hassan: I just wanted to make one last - not a comment, but rather a question. On that table that we discussed earlier, we're going to add the blank column. And the blank column will specify - it's a yes or a no thing. An in or an out thing?

Marika Konings: No, I think it will just say "drafting team response." So it will be kind of a "Yes, we definitely need to factor this in" or "This is interesting, but not in line with our current."

Ayesha Hassan: So, yes, no, maybe.

Marika Konings: Yes, it's like a comments.

Jonathan Robinson: Well, yes. You've got a public comment, you've got Staff recommending that this is considered either in the Charter for the Working Group, and then you've got Drafting team saying, "Yes, and this is how." So you can have substance in there as well. Yes.

Ayesha Hassan: Yes. So that's what I wanted to clarify. So now, my question is then, those are the areas that are listed. So are we saying - I want to - I'm mindful of what (Lyman) was saying earlier. So if there are new areas that's not listed in that?

Marika Konings: We're not constrained by that. Those are just comments that were submitted. It doesn't mean that is the only thing that -

Jonathan Robinson: Yes. So the purpose of that work is to weave that into the Charter, but in addition, we have a separate stream of work, which is to set to work on the Charter.

Marika Konings: Right.

Jonathan Robinson: So it's at minimum we must cover those public comments, but we have to do further work.

Ayesha Hassan: Exactly. So we have to do further work. So there is - so what's your idea about, you know, collecting those additional stuff? (Unintelligible).

Jonathan Robinson: That's the online editing of the Charter. Anyone may contribute to that, and that's how we work with that Google -

Ayesha Hassan: So we start off with the column. Adding that column -

Jonathan Robinson: Well, Russ and Erika are going to pick that up and actually do that, and then we will have to take those - that third column that they create - and put that into the Charter, and in addition and in parallel, we can start to edit the Charter.

Ayesha Hassan: That's what I wanted to verify. Thank you.

Man 4: I disagree with what (you) say.

Jonathan Robinson: (Tony)'s been very patient. I just want to make sure, (Tony) - yes, yes, exactly. Or yes, sure there's discussion, right? It's not a given that what ends up in that third column ends up in the Charter. We -

Ayesha Hassan: Starting point.

Jonathan Robinson: Exactly. (Tony)?

(Tony): Basically, going to (Lyman)'s comment, which I agree with very much, I just wanted to point out quickly that one risk this has - unless we put some kind of boundary into this as far as possible uses for guidance of the Working Group, this would fall into what is in the social inclusion world is called ICT4D - ICT-for-Development.

If we do not differentiate this from ICT4D, you'll have millions of NGOs lining up with all kinds of proposals and demands.

Erika Mann: To the Mission.

((Crosstalk))

(Tony): So we should have a macro boundary. Not - perhaps not very specific and limiting, but at least say, "Well, it has to do with this."

Erika Mann: This was my intent. Yes. So maybe we can find words to combine too.

Jonathan Robinson: All right. So I think given where we are - people have to leave in the circumstances - it feels to me like we've had a very productive conversation. We've kind of really set some groundwork, so it's been very useful to have a face-to-face meeting, but I suspect it's probably time to draw a line under it now. We've got two or three streams of activity.

The practical matters - the sort of practical administrative stuff, dealing with the public comments and starting to actively edit the Charter. So that feels like a good set of -

Marika Konings: Just one question as well. Because I think in some of the sections, and I think this really goes to this focus. But there's some other sections that are more about the practicalities, and I think there's some questions in there.

Is it helpful if we send out some of those questions on the mailing list to start conversations, or people are happy to go to the Google Docs and put their comments?

Jonathan Robinson: I think it's no harm to do on the mailing list, and if Staff puts - if on the back of those conversations, if they're clear to come to a consensus, you could put a straw man on the back end to the Charter.

So I think as much as we can use as many techniques as we can, and any way to flag up, if they feel something inappropriate is going on.

Erika Mann: I agree.

Jonathan Robinson: So that should be helpful. Thank you. Okay, thanks everyone. That was productive, and a good start. All right?

Erika Mann: When will we have a call, or next meeting?

Marika Konings: We said we would go the two weekly schedule. We'll rotate between 1300 and 2200 (UT).

Jonathan Robinson: On a date to be agreed. So it's appropriate for Argentina.

Marika Konings: (Lyman).

((Crosstalk))

(Lyman): Thank you so much.

Marika Konings: Thanks a million, eh?

Jonathan Robinson: And not so good for Europe. We're not so good for Europe, Africa, or -

Marika Konings: Oh, the first one is - 1300. But the other one is not.

Erika Mann: The UTC is the trendiest - to UTC, you can tell, I understand. Because I'm a 4:00 person who gets up in the morning at 4:00. When you go to bed at 1:00 or 2:00 there is no need to sleep at all.

Jonathan Robinson: So Terri, can I hang up the phone at this point?

Terri: Yes.

END