ICANN

Moderator: Gisella Gruber-White
June 11, 2015
10:00 am CT

Coordinator: Excuse me speakers, your recording has started. You may begin.

Woman: Thank you. Good morning, good afternoon, good evening. This is the BC members call on June 11. On the call today, we have (Elisa Cooper) and (Andy Abrahams), Philip Corwin, Steve DelBianco, (Susan) (unintelligible), David Fares, (Angie Graves), Carolyn Nguyen, Ron Andruff, (Beth Alegretti), (Rich Friedman), (Keith Coates) and we do have apologizes from (Unintelligible), (Unintelligible), (Bob Hilicker), (Stefan Von) (unintelligible), and (Bryan Newsman) and myself, (unintelligible). I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you and over to you (Elisa).

(Elisa Cooper):   Thanks (Janana). I want to welcome everyone to today's call. I wanted to start off by running through the agenda for the Buenos Aires meeting. So, I've sent to you already what is pretty close to a final agenda which includes all of the (BHC) as well as CSG meetings. But I want to run through them quickly with you now as well.

So, (Yolanda), if you could go to the next slide. I'm sorry, (Yolanda), can you flip to the next slide?

(Yolanda):   Yes, I apologize (Elisa), I'm trying to but sorry about that.

(Elisa Cooper):   Thank you. So, just to run through the schedule, we'll start off Sunday which we always do with our board reps which is (Marcus Kumar) and (Bruce Tompkins). And, we have a number of items that the ISP's are coordinating and we have a meeting with the CSG tomorrow to discuss what the final set of topics will be. Just a reminder, the ISP's are responsible for coordinating this particular meeting. Last time was the BC and next time will be IPC. But, this is their meeting to coordinate.

Then, that Sunday we will be meeting for an hour and a half and again we are finalizing what the topics will be but during that meeting on the Sunday, this will be the time for the CSG to prepare for the board. Then, on Monday, we will have a closed meeting. It will be a one hour meeting and in that meeting we will be able to have 30 minutes with (Alan Grogan) and this will be a time where we can have a Q&A with him to discuss you know, the FTC and the dot (unintelligible) issue, also to discuss with him the other kinds of registry abuses that we were seeing and I'm sure he'll be open to discussing any other topics that we want with him.

We will then spend about 15 minutes going through where we're at with the charter and (Jay Scott) has graciously agreed to lead that discussion and then some time will also be set aside for (Jimson) to run through where we're at with the budget. Again, that is a closed meeting that will be for one hour and that's on Monday. Then, on the Tuesday, starting in the morning, we will have our open CSG meeting.

Now, you'll notice on the Tuesday we are not having our regular breakfast. That breakfast has been moved to Wednesday and you'll see that on the next slide. But on the Tuesday, this is our open meeting with the CSG. We will do any final board prep that's necessary. We are finalizing - the ISP's are finalizing the topics also to be discussed in that meeting. We will have 15 minutes for sort of a quick GNSO review discussion.

We are going to be meeting further with the - to discuss the GNSO overview in our own meeting but we will have about 15 minutes as part of the CSG, the 15 minutes has also been set aside for (Chris Gift) to discuss digital services. Again, that is our open CSG meeting. (Yolanda), if you could move onto the next slide.

Then later on Tuesday, we will be having an hour and a half with the ICANN board. Now, we have provided our topics to them which include discussions around registry pricing for trademark owners and the kinds of practices we're seeing there, also the topic of potential abuse that might be occurring within the trademark clearing house. We'd like also to discuss the CEO selection process as well as picks and compliance.

The way that this meeting will work will be a little bit different than it has in the past. It will be sort of a roundtable discussion where there will be six from each of the constituencies sitting in sort of a roundtable configuration. Everyone else will be able to join of course and listen, but in terms of the roundtable itself, I anticipate that the six participants will be the officers of the BC, but you know, we can if there's anything further to discuss about that participation, we can talk about it when we are in Buenos Aires. But I think the officers probably make the most sense to participate in that.

Then in the Tuesday - later on Tuesday, we will have our open BC meeting and we've set aside some time at the top of the meeting just to talk about some general topics of

interest, then we'll have a further discussion regarding the GNSO review. We'll move into policies (unintelligible) led by Steve DelBianco. We will work and hear from Thomas Rickert on an update in terms of what's going on with the CCWG. Then, we've set aside just 10 minutes to have a quick Q&A with (Nick Tomaso) to discuss the 2016 meeting schedule and I actually have a document that I'll send out with the final agenda that shows you what the meeting schedule is going to look like for next year and how those three different meetings are laid out.

Then we'll also actually have another 10 minutes to hear from ICANN on the leadership program that they are preparing for the meeting in Dublin. It will just, be just 10 minutes and then we'll have another 20 minutes for any other business. So, I will update the agenda to include those two additional items.

So moving to the Wednesday, you'll see that we've got our cross constituency breakfast where we will be hosting the NCSG. Now usually that would have occurred on the Tuesday, but we needed to move it to the Wednesday to make the timing work. Then, on the Wednesday at noon we will have another closed meeting. This is a one-hour meeting. You will see here that we're going to have 30 minutes with (Loren Capen) from the FTC. She's on a working group that's part of the GAC. They are working on issues around public safety so we'll have 30 minutes with her then. And then a final 30 minutes to prepare for the public forum.

So that is what our schedule is looking like so far. Now, Martin alerted me this morning and many thanks to Martin for alerting me to this, that on the Tuesday at noon while we are in with the Board, the GAC has an item in their agenda that says something along the lines of a CSG, BC meeting around, a thematic discussion meeting. And I'm not sure what that is. But, I've got an email out to Olof who heads up for ICANN this particular GAC meeting. What that is

about, obviously we have a time conflict there but as soon as I have any more information, I'll let you know what that is as well.

So, anyway, a lot to cover, any questions about anything that we've just reviewed here or things you want to see if we can squeeze in in the 20 minutes on our any other business on the Tuesday in our open meeting? Any questions about the schedule, the rest of the schedule as you all know is out on the ICANN site and also I'd like to ask (Yolanda) if you can send out for any of the closed meetings the remote participation details? But any questions about anything? Ron?

Ron Andruff: Thank you, Chair. Just on that very first line item, Tuesday, June 23rd, 11 o'clock, you've got a number of things listed there, registry pricing, CEO selection, picks and compliance, I'm just wondering on picks and compliance, is this the following up on the activities that we've been pursuing now at the high level board meeting or is there something else with regards to picks and compliance?

(Elisa Cooper):   No, it's to followup and continue our support for those.

Ron Andruff: Very good, okay, excellent. I'll have more information for that, on that on the Tuesday when we see each other. Thank you.

(Elisa Cooper):   That's excellent, thank you Ron. Other questions or thoughts or concerns? I'll get out an agenda. I'll put it into .pdf format again so it's easy to view on your phone. All right, so be on the lookout either tomorrow or early next week for a final version of this agenda. So with that (Yolanda) if you can go back to the agenda for this meeting, I think next on deck we hear from Steve to go through policies so Steve I'll turn it over to you.

Steve DelBianco: Can you hear me all right?

(Elisa Cooper): We can.

Steve DelBianco: Okay great, thank you. (Yolanda)'s going to lead the policy calendar. It's a long one so I'll move briskly. The first thing on site is many thanks to (Parda), (Andrew Harris), (Chris Wilson) and several others of you who helped us file some very substantive comments on the CCWG proposal for enhancing ICANN's accountability. We were one of over 50 comments filed and I really believe ours are among the really most specific and substantive ones.

I have to tell you that the CCWG is burning a lot of hours right now trying to analyze, categorize and respond to the 50 comments. Our goal is to get initial response back by June 16th before everyone leaves for BA. That will be sort of a hands down document. And then the CCWG will meet over the course of three days while in Buenos Aires to try to listen to the community's concerns and try to address the comments.

Our goal is to then publish a new draft #2 for ICANN accountability sometime after Buenos Aires so we would all be prepared to consider, comment and vote on it hopefully by Dublin. That would put us on a track to finalize ICANN's accountability later this year optimistically and then bylaws implementation would follow. And then potentially you could see ICANN getting a, you know, qualifying with a final accountability plan about January or February of next year at the earliest.

Now that all presumes that the second item in the cross-community work group on IANA stewardship is able to get their proposal through the same kind of approval process along the same timeline because both of the first two items here, ICANN accountability and IANA transition stewardship, they have to be done

at the same time. They have to be pulled together and submitted as one to NTIA so thanks again to the folks who worked so hard on that and (Aparna) especially to you for initiating the draft on the CWG report.

On May 18th, we had filed comments on the IRTP Part C. Susan Kawaguchi, thanks for the work you did on that. So, on the current part and (Yolanda) if you'll just scroll down a little bit we could see more of these current ICANN public comment items. Thank you, (Yolanda). All the way down, there you go. There are 10 of them in here and it would be my fond hope that we could do a quick discussion of four of them on this call and I'll solicit volunteers through two or three others.

The first is the registry stakeholder group that decided to amend its charter and (Jay Scott Evans), thankfully, drafted a very brief DC comment. It's the first attachment to the policy calendar. And those comments are due the 16th of June, early next week. That's a travel day for me so I'm going to submit those on the 14th or 15th of June. You've had well over a 14 day review period and there haven't been any substantive comments on that. I'll stop there and take a queue.

Are there any BC members with any objections to the registry stakeholder group charter amendment comments that (Jay Scott) put in? He mostly addresses the idea of the dot brand registries. There needs to be movement on the notion of giving the dot brand registries an opportunity to create constituencies or interest groups and to normalize the voting rules so that the new registries that may have a dot brand focus are not excluded from helping to make decisions in the registry constituency by virtue of the fact that they have few registrations in their TLD. I'll take a queue on that, anyone? Great, I don't think this is a particularly controversial topic and I'm going to submit that probably over the weekend.

The second one is the dot travel registry agreement. In a moment I'll turn it to Phil Corwin who is the primary author of the draft which is Attachment II on the policy calendar. Andy Mack, Jim Baskin, and (Andy Abrams) all contributed to that draft and it's a pretty solid comment, the questions for the top down process being used to impose the URS on TLD legacy operators who are happening to renew their TLD contract.

Phil also points out the lack of information and analysis of the effectiveness of the URS for imposing it and this is going to have implications for two other public comments that just opened, #7 and #8 on the list in front of you are for dot cat and dot pro, which just like dot travel, we're sponsored TLD's. Sorry, you had it (Yolanda), go back down please. A little lower please, thank you. Yeah (Yolanda) you can just position it at the beginning of Channel 1. All right never mind.

The point now would be to collect comments and questions from DC members because this comment is due the 21st of June so we had circulated this earlier and we want to expedite the review period to get these comments in on time. So, let me take a queue now from members wanting to ask questions of the drafters or offer any suggestions. Phil, while people are queuing up, why don't you add a little color to the bare bones description I gave to your draft?

Phil Corwin: Yeah, thank you Steve. Can you hear me okay?

Steve DelBianco: We do.

Phil Corwin: Yeah, you did a pretty good job summarizing it and this is not a comment about whether the URS or any of the other new TLD RPM's should become consensus policy. For legacy TLD's, it's a letter about, a concern about

process, where contracting staff have said their starting point for renewing all the legacy TLD's as they come up for renewal will be the new TLD registry agreement which includes all the RPM's.

It essentially makes them, the ones that are applicable of the PTD or P and the URS into the effect of consensus policy whereas the bylaws say that consensus policy can only be created through a prescribed process, through a PDP and many folks like myself thought that these issues would come up in a PDP after we received the staff issues report on the new TLD RPM's which will be delivered in late September.

So, it's basically about process not substance and the fact that the same provisions have shown up now in the proposed renewals of dot cat and dot pro really illustrate that this is becoming a de facto consensus policy in a way that is not consistent with what's required by the bylaws.

Steve DelBianco: Thanks Phil. Anyone in the queue want to offer questions or suggestions on this? This will be our prime opportunity to talk to the author because June 21st we need to submit this. Great, (unintelligible), thank you Phil for drafting, Andy Mack and Jim Baskin and (Andy Abrams) as well.

All right the third item up on the policy calendar public comment page is the release of country and territory names. It's a new GTLD and we have three others that are brands, dot Sony, dot Archie, dot Bio and dot Sarman, which is not a brand. And then if you look at #9 on this very same list, you'll note that there's another one for Komatsu and Rico which are both dot brands. Now (Andy Abrams) has been the BC's leader on this and has done an outstanding job drafting BC comments, to make a distinction between a brand and a non-brand new GTLD with regard to the release of country and territory names at the second level.

And please recall that our assumption here is that if a brand decides to light up a country name at the second level, it's because it wants to address customers, business partners and suppliers of that particular market. So, it's not an attempt to pretend to be that country. It's not something that would require we believe, would require a detailed process of begging permission of every single country but rather looking for a blanket approval process.

And we've been down this road probably 11 times already as a BC and what (Andy) has done is taken the previous comments and adapt them to the specifics of these two public comments. These are due the 21st of June just like the one we reviewed on dot Travel, the 21st of June is coming up soon so my goal would be to hear from you about whether there are any concerns or objections to the BC filings #3 and #9 on this policy calendar.

These comments were circulated on the 29th of May so really by this weekend we'll have had the full two weeks of BC member review. We haven't had any comments come back on them. I think that's a reflection of the fact that we've filed a dozen of these already. All right, seeing none, I'm going to go ahead and file those over the weekend.

Okay, #4 is about the scheduling of all these operational improvements and reviews for the AOC and organizational reviews. There's at least eight reviews scheduled in 2015. Now some of them are driven by the bylaws structured reviews like the GNSO review. Some of them are motivated by the affirmation of commitments reviews.

When you stir all those together, it was too many reviews for the community to do in most people's opinion and staff led the way by coming up with a schedule to space them out. Please note that the review in there that's very important to the BC

is the GNSO review and that is not being deferred. In fact, that will be concluded later this summer with implementation to follow so that particular review is going to need some attention.

And you'll note in the policy calendar that item #10 on the screen in front of you is a brand new public comment period on the draft review for the GNSO. Those comments are due the 20th of July, not June, so we have plenty of time to discuss that while in Buenos Aires but what I really need to know is who will volunteer to help the BC analyze this draft review of the GNSO and draft BC comments.

When we met in Singapore, a number of you had wanted to come up with a vision to what this GNSO review would be. But, we are going to run out of time to articulate that vision if we don't get to it right away. (Jay Scott), (Kat McGowan), I think neither of them are on the call today. (Stefan) is unable to be here, Laurie you were one of the folks who volunteered and so did Marilyn, volunteered to do some brainstorming on that vision and we're going to need to get cracking on that. And I don't mean to put a shine of light on you Laurie as the only one of those groups that are on the call right now, but who else will help analyze that GNSO review and come up with BC comments?

Laura Covington: Aww, come on, you know it will be fun.

Steve DelBianco: Exactly.

Susan: This is Susan, I'll help.

Laura Covington: Yay.

Steve DelBianco: Thank you Susan and Laura, appreciate that, looking for another hand. Here's where folks have been very experienced in BC and the GNSO for a decade or

more would be particularly helpful to pitch in, since the historical perspective is really helpful. I'm figuring out whether some of these review points made by a brand new consultant actually make any sense. Looking at you, Marie, as somebody with plenty of experience, could you spare a few hours to help draft the initial comment? Thank you, Susan and Laura, then, for stepping up on that.

Female: I'll try and get a call organized.

Steve DelBianco: Yeah that's often a great way to go and several times in the past several months I've seen an initial set of bullet points calling out things of interest is a great way to tee up that first call, and Marie, I see you typing in the chat. I'll wait for you. Oh, Marie, I was volentolling you, I was volentelling you, to join Susan and Laura on quickly reviewing the GNSO review, #10 on the list in front of you there, to see whether we can offer BC comments on the consultant's view of how to review and reassess or possibly even restructure the GNSO, with your experience, long-term experience at ICANN, I was hoping you could contribute to that.

Marie Pattullo: Apologies. I was briefly away from my desk. The only thing is Steve that I am in meetings as of tomorrow morning and I'm not going to be back at my desk probably until Monday afternoon, so what's the timing on this?

Steve DelBianco: The good news it's not due until the 20th of July.

Marie Pattullo: Okay I'm in a meeting all day on the 18th and on the 19th, but I will certainly read what I can on the 16th and 17th, can I offer that?

Steve DelBianco: I did say 20th of July, not June.

Marie Pattullo: Oh July. I'm sorry, I apparently am deaf. Yes, that's absolutely fine. My apologies.

Steve DelBianco: Thank you Marie, so you at least initially, Susan Kawaguchi and (Laura Covington).

Marie Pattullo: Okay with pleasure.

Steve DelBianco: Assessing that, so it's #10 on the policy calendar I sent out last night, #10 on the list of public comments.

Marie Pattullo: Got it.

Steve DelBianco: Okay? Great, thanks everyone. All right, I think I've covered most of them. I want to jump to #5, the RAA, who is accuracy report, (Tim Chen) is not on the call today but (Tim) volunteered through email to me to look at the "who is accuracy program" spect. Comments are due 3 July, that's coming up a lot faster than you think, since Buenos Aires will be very hard for us to work. Can I look for any other volunteers to join (Tim Chen) who has experience with the accuracy of "who is" records?

Susan: This is Susan. I'll join, too.

Steve DelBianco: Thank you Susan, I know you were experienced with that and (Jay Scott) thanks for joining on #10 as well. (Jay Scott), prior we discussed your draft comment on the registry stakeholder group charter and there were no questions or objections from anyone. Thank you again for getting that draft out so quickly because I'll be filing it over the weekend.

All right, I'll stop there since the rest of these were already covered or due quite a bit later. So let me scroll down if you would to Channel 2 or council. (Yoland), if you're there, could you scroll down to Channel 2? Beautiful, thank you. We're going to turn that over to Susan and Phil. We haven't had a council meeting since the 21st of May.

And on our last call we discussed what was transpired there and Phil and Susan reported there were no motions adopted. And the next GNSO meeting is the 24th of June, while we're all together in Buenos Aires. There is no agenda or motions that I have been able to find online yet but Susan and Phil would you take over and tell us about what you expect to happen at council in Buenos Aires?

Phil Corwin: Thanks Steve. We have a very busy council meeting Saturday and Sunday. I have seen just yesterday that discussion group on new TLD's which has put together a very long list of issues to be reviewed before the second round is going to, has just forwarded a draft motion to go to the next kind of policy step on that, that the council will be considering in Buenos Aires, but other than that, we haven't seen a full agenda either for - other than the agenda for Saturday and Sunday, which I believe I forwarded to the entire BC when it came in but if not I can resend it.

Steve DelBianco: Anything that you've been aware of, that you want us to be aware of, with respect to next week's meetings?

Phil Corwin: In terms of council, not yet. But, you know if Susan has anything to add, but I think the - we are going to start a discussion of the setting up a cross community working group on use of those $60 million and growing auction fund proceeds and I'll be speaking at the high level, high interest session, on that. But, that's separate from council. That will wind up in council at some point.

Steve DelBianco: Yeah Phil, thanks for volunteering, to represent the BC on that, appreciate it, the auction proceeds as well. All right so Channel 3 is the CSG. David is our liaison, not with us on today's call, and Channel 4 finally is - BC statements and responses, we're going to have plenty of opportunities for public comment while in Buenos Aires.

Two things I pointed out to you here. There was a conference in Washington D.C. yesterday by a group called Dichotomy and (Fadi Shahati) were on a very brief panel that discussed the transition and (Fadi) was very complementary of the work of the community, the 10's of thousands of man-hours that have been devoted in two very detailed proposals for the IANA transition stewardship and the accountability.

And then he added the, what he said, you know, the risk here, the "but" was he's worried that we will make things too complex. I have noticed that this is a frequent messaging theme right now coming from the board of ICANN to try to discourage what they believe would be well, enforceable powers of the community to hold the board accountable, to block a bylaws change to block a budget, the very same things that the BC has asked for.

And I am very clear that there is a concerted effort to push back on the community, having legally enforceable powers. I think this board prefers that the community be merely advisory to the board the way it works today and this is our last opportunity to actually have the members of ICANN be able to hold the board accountable to the members. So, we are not going to let up and if any of you click on that link I have, you'll see the video of that discussion.

Also on the discussion there was a question from the audience about isn't this transition a terrible opportunity to turn ICANN into the copyright police? And it was a loaded

question and I think (Fadi) gave a sort of a vague answer and I gave a much more specific answer, that the community needs to focus on RAA, Section 3.17, and it says that the registrars in the new GTLD program if they are provided with evidence of unlawful activity at a domain that they registered, they have two obligations.

They need to investigate and respond and I said that's in the contract and ICANN is in the business of contract enforcement. I then added that nation's may believe that copyright is important to some of them. Others think censorship is really important. Others worry about fraud, malware, child porn, whatever it is, every nation has its own view of what's important in law and each of them will be cited in things that are sent to registrars. But it's up to the community to figure out what it means to investigate and respond.

And we haven't actually decided that. And I don't necessarily think that staff alone will decide what constitutes an adequate response when a registrar is told about copyright, trademark fraud or any other kind of illegal activity. Respond on one end of the spectrum might be immediately take down the domain name.

On the other end of the spectrum, respond could be telling the complainer to go take it up with the registrar directly. I don't think either of those responses is where we're going to end up. We are probably going to end up somewhere in the middle and yet it's going to take a dialogue to make that happen. You may have to provoke that dialogue over the next several months since there isn't anything on the public calendar, the public comment calendar, to discuss that.

I was told by an ICANN staffer that it's really staff's job to come up with the procedures to interpret what a registrar has to do when they investigate and respond and I put us on the record of saying that the community has to have a role in that. And then finally, yesterday, U.S. Congress has really shown how much

they've moved in the past year. Phil and I testified last month in May in front of two committees and the committee of jurisdiction, the Commerce Committee, completely gutted and replaced what they called the dot com act and like everything in the U.S. Congress, dot com is an acronym (unintelligible), and it has nothing to do with the dot com domain name.

But they did exactly as Net Choice asked in our testimony and Phil echoed in his testimony where we said that the role for Congress should be to back the community, to support the community by requiring that ICANN implement these proposals for the transition, implement them in bylaws adoption before the transition occurs. And sure enough, we got exactly that out of the mark-up that was approved unanimously in a bipartisan way at yesterday's hearing. And this morning, there's an identical bill being introduced in the Senate and it's also bipartisan.

This is such a great advantage over the appropriations writer approach since it would say that Congress wants to back the community and it's not going to stand in the way of the transition if the Commerce Department can certify that the community's proposals have been implemented in the bylaws. So I'm happy to take questions on any of that, as I'm sure Phil would. Democracy is hard, Steve, and after that I'll turn it back over to you (Elisa). Any questions? Great, thanks everyone, (Elisa) back to you.

(Elisa Cooper): Thanks Steve and thank you for all that work, that's just a tremendous amount of work and really I'm sure we all, I know we all really appreciate all the work. So, thank you so much and thank you to everyone who has volunteered to contribute moving some of these comments forward.

I think next up on the agenda, (Jensen) is actually not on the call. Are we - so in terms of GNSO and input that you need there, do you have any further requirements or needs

from the constituency, Susan or Phil, or are there other things that we should discuss? I'll take that as a no. And then, we actually have a little bit of time. Are there any other topics or items that we need to discuss on today's call? And I'll look for a show of hands.

Okay, with that, unless there are any other topics or items or anything else we need to discuss, I think we're good for today. I'll just give another moment or two to see if there are any questions or topics to discuss or anything. Okay, with that, I will give you 20 minutes back of your day. Thank you all so much for an extremely efficient call today.

And I look forward to seeing many of you starting next week, again be on the lookout for a final agenda from me and that will contain all of the BC and the PSG meetings. So, thank you so much to everyone. I know XCOM we are scheduled to have our call now so hopefully we can begin our XCOM call early and with that I will say farewell to everyone else and I look forward to seeing many of you soon. Thank you so much.

END