

ICANN

**Moderator: Gisella Gruber-White
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10:00 am CT**

Coordinator: The recordings are started.

(Yolanda): Thank you. Elisa. Do you want me to do the roll call?

Elisa Cooper: Yes please go ahead and take roll.

(Yolanda): Thank you. Good morning, good afternoon, good evening. This is the BC Members call on April 16, 2015. On the call today we have Andy Abrams, (unintelligible), (Barbara Wainer), Elisa Cooper, (Ellen Blaker), J. Scott Evans, Jim Baskin, Marie McCann, Phil Corwin, Ron A., Samantha Demetriou, Steve DelBianco.

Elisa Cooper: Great thank you so much.

(Yolanda): 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: Thank you, (Yolanda). So why don't we go ahead and get started? I actually don't have much of an update. So I want to go ahead and just turn it over to

Jimson to take us through an update on finance and operations, and then we'll turn it over to Steve, because I know we have quite a bit to cover. So, Jimson, over to you.

Jimson Olufuye: Okay thank you, Elisa. This is Jimson, and greetings to everyone. We have some slight updates on account status. We have about 70 (unintelligible) of account balance. We have new members joining, so I'd like to welcome (Lake Fitz) and (Ten Cent) and Microsoft and (Workamelia) and (Uber Hut), and a few others.

The Finance Committee still awaits ideas from members for the best approach for going down the excess account balance that we have. So I have asked, we will be sending the budget proposal by end of the week as soon as available. You can absolutely see in the policy outlined, and many of you saw my presentation, you'll note that comments have been provided on the ICANN FY '16 budget, a draft budget. And I would like to have an opportunity to thank on this call Angie Graves and Chris Chaplow for the draft.

And to give a summary, the budget covers about (unintelligible) million for operations and \$49.5 million for new gTLD expenses against 103 million and 40.2 billion respectively for FY '15. So all together the committed budget proposal, adding 113.4 million for operations and 49.5 million for the new gTLDs. All together it will be 162.9 million USD for FY '16. And that is against 143.2 million in FY '15. So that is a 10.8% increase. It's a 10.8% increase. Well maybe it will fit more on the proposal or the comments made by the drafter when we get the policy menu.

And then on operations I'm happy to inform that the Zimbabwe outreach went very well at the innovation Africa in 2015 summit in (unintelligible) for Zimbabwe. (Unintelligible) and (Joseph) (unintelligible) and they made good

presentations. For the report - full report on that will be published in our newsletter.

Well let me also seize the opportunity to inform all that we are still receiving articles for the newsletters, the next edition of our newsletter. In fact, the last edition was widely distributed in Zimbabwe, and we'll be using it again June 10 at the outreach in Abuja. The articles are very important, especially if it's relevant to the issues we face.

Let me also say that the Abuja outreach schedule on March to now June so it's utilizing the ICANN support, which this is a request there for, you know, 10,000 USD. So that's part of the expenses for the outreach in Abuja that will be providing local funding to organize that.

So that is basically what I have for now with aspect to an update. Again, very important, we are submitting articles by Monday, so please submit your articles till Monday. Thank you very much. Over to you, Elisa.

Elisa Cooper: Thanks, Jimson. And any questions for Jimson? Okay. Then we'll turn it over to Steve to begin our discussion on policy. Steve?

Steve DelBianco: Thanks, Elisa. I hope everyone received the policy calendar. I sent an update to it this morning to add in an update to the IANA transition group, as well as the draft from Elisa Cooper on internationalized registration data. Thanks, (Yolanda), for putting that up in the chat.

I want to acknowledge the great work of Andy Abrams on not only the comment we filed on the 1st of April, the RSEP, for .BERLIN, .HAMBURG and (unintelligible) but also for a draft attached and circulated last week, which was six new gTLDs, four of which are brands. And we're looking to

have all of you reply to that draft that Andy circulated on the 9 of April. We're looking to you to reply about a week from today, by April 24 so we can get that in. And thanks again, Andy.

We've also filed a joint letter along with the ICP and the Brand Registry Group. That's the first item under recently filed, and that went into (Akram) at ICANN with copies to many members of management, as well as Steve Crocker. And thanks to Laura Covington. She did a lot of great work on that. (Cecilia), Andy and Andrew Harris. So that letter is in. There is no reply yet from ICANN to that letter.

And then let me move onto the current set of comments. So the first one up there is an expert working group of internationalized registration data. Now back in June of 2014, Elisa Cooper and Tim Chen did a comment to the BC on their interim report. Elisa, thank you for preparing a draft comment. It's attachment number four on the policy calendar. It's a Word doc all of you can open.

I realize that I just circulated it an hour or so again. I don't expect we'll have an in-depth discussion on this call, but here's the story. These comments close 21st of April, so it's just a week away. Given that this is an update to an interim report and given that our comments echo things that we had said prior, I would prefer that we be able to meet the comment deadline of the 20th of April.

So as your policy coordinator, I'm proposing an abbreviated review period for the BC members. And it's not just on this call, but it's the mailing list. Elisa, I'd like to turn to you for a minute. Do you want to walk us through a highline of how this comment differs from the draft - sorry, the interim one you did in June of 2014 to help people focus on what's changed? Could you do that?

Elisa Cooper: Yes. So not much has changed. We were explicit though I think with this comment that we believe that it should be allowed that internationalized registration data be accepted by the registries. It should be a requirement for them but it should not necessarily be a requirement for the registrant unless they are skilled in that particular language.

And so essentially this is reiterating our previous comment. And I think - I'm looking for one particular line that we added in here, because we wanted to clarify that that was our position, and I'm looking for it right now.

Steve DelBianco: Freeform text, Elisa?

Elisa Cooper: No, so we put a line in that says that it should be - it should not be optional to provide the choice between the ASCII or non-ASCII scripts to registrants, in terms of tagging - the language tag. Because I think there was a comment to the contrary, and so in particular a line was added to this comment that says, "Any perception that is not line with the BC's previous comment is mistaken, that we believe there should be both tags, both the traditional ASCII tags that currently exist and then the addition of a non-ASCII tag."

Steve DelBianco: Thanks, Elisa. I'll take a queue. Any particular comments on internationalized registration registrant data and just comment? I note that Tim Chen cooperated with Elisa on the last June round, but Tim hasn't yet weighed in on this draft; right, Elisa?

Elisa Cooper: That's correct.

Steve DelBianco: All right. We're going to - unless there's any objections, we're going to do an abbreviated comment period. I need to hear from you by the 20th of April,

because we're going to submit this on the 21st. Thanks, Elisa. Very much appreciated.

Number two, ICANN staff has embarked on its own review of the rights protection mechanisms in the new gTLD program, or RPM. Those comments close the 1st of May. The draft comments were prepared by Kat McGowan, (Matmud), Phil Corwin and Andrew Harris. It's the second attachment to the policy calendar that I circulated.

Our initial drafters -- thanks for your work -- they included all the questions from that proposed review but they only provided draft text answers for certain of those questions. So this is one where we do need BC member input since this is largely based on experience that all of you have had in working with the new gTLD program and the RPMs.

This is the second attachment, so if you're able to open that, it's the second attachment to what I circulated, RPM BC comments. And you'll see that there's quite a few questions in here. This goes on over several pages. And our objective is to figure out which of those questions the BC has an answer to. And if we don't, we will probably omit the questions for which we are giving no reply. So our final submission will end up being a bit more brief than this.

I'll take a queue on this RPM. Anyone want to add anything to it? This comment period closes the 1st of May?

J. Scott Evans: Steve, if I may, this is J. Scott, I'll go through this pretty - and have my team look at it.

Steve DelBianco: Okay thank you, J. Scott. And then you can reply all within the BC. We have until May 1.

J. Scott Evans: I'll reply all and I'll put my answers in a different color or something so that you can see that.

Steve DelBianco: Right. Purple, J. Scott. That's usually what you use.

J. Scott Evans: I don't use purple anymore because that's not our (unintelligible) I'll use red.

Steve DelBianco: Okay. All right. Thank you. All right, Elisa, did you have something to add to that?

Elisa Cooper: I'm sorry, no.

Steve DelBianco: Okay great. Okay, the third item, Jimson and I think there's - well Chris Chaplow's not on and nor is (Angie). But, Jimson, for circulating a draft as promised on ICANN operating and budget plan for fiscal 2016. This was the third attachment to what I circulated this morning, the third attachment. It's called BC Comments on ICANN's FY '16 Budget.

J. Scott also is offering to help Jimson on that as well. So it's a very brief comment. Jimson has three of them. On staff, we note that the projected reduction in staff in the new gTLD division and yet he questions the fact that they're putting on board 20 new staff members, based on headcount, which is an increase. So how does it factor that they add 20 new staff but they have a cut in expenditure. We're asking a question on that one.

And then the speakers bureau the BC is recommending the community leaders who are subject matter experts be added to the speakers bureau resource base, which means they would be candidates for times when ICANN wants to

provide speakers when others in the media or policymaking groups or even around the work are asking ICANN to provide a speaker.

And then third, this project number 3175 on the draft budget, and the BC recommends that the WSIS, or World Summit on Information Society, be explicitly listed among those works that are supporting the IGF, or Internet Governance Forums. I think that makes entirely good sense.

So it's a short, sweet comment and I will look to all of you to provide some input on that in time for us to get it submitted on May 9. Jimson, is there anything that you would like to add to my summary of your draft? Thank you.

(Yolanda), would you scroll so that we're all looking at the policy calendar under channel one, item five. We're up to item five. Thank you. Five is the release of country and territory names. I mentioned this at the top of the call. Andy Abrams drafted one and it has bifurcated approach for looking at the Honda, AXA, Epsom, and HSBC, their brands, and they get a very different level of presumptive approval for geo names at the second level than the non-brands. In other words, they open new gTLDs, .XYZ and .COLLEGE.

So it's a two-part letter. That's why I want you to please pay attention to this one. It's a little bit different than our previous submissions in support of geo name expedited release, because we've been previously focusing tightly on the brands and this goes a little bit broader than that. And I think Andy came up with an ingenious way of differentiating between the presumptive approval on brands and non-brands.

Andy, thanks again. And I'll take queue. Any questions on Andy's first draft? You're a quiet group this morning. Okay great.

That's it for the open public comments, so this is going quickly. I had one other item underneath this called the BC Letter to ICANN Regarding the .SUCKS domain registration policies. Now I referred you to a superb article that Phil Corwin put up on CircleID. I mean it had Phil's characteristic humor and insights, and I also found it to be all in one place a summary of everything's that happened before, what's been written about and what ICANN has said to the FTC and Canada's Consumer Protection Division.

So kudos to Phil. It's a great article. Cheryl Miller with Verizon had circulated an initial draft a little over a week. A lot of BC members said yes let's do a letter. Your executive committee put forth a little outline of points we needed to make at about the same time Cheryl circulated her draft.

At that point three volunteers in the BC stepped up and said they would work on a second draft. And that was Sarah Deutsch, J. Scott and (Mary Jo). J. Scott, you're on the call. Do you want to update us on where you are with that second draft?

J. Scott Evans: We're going to - the idea at this point is to rather than write ICANN to write the FTC directly and so that's taking a little research on some FTC precedence. So we're looking at it and hopefully we'll circle back to that this week and hopefully have a draft maybe mid next week.

Steve DelBianco: J. Scott, let's have a little discussion about redirecting it to FTC. Would it also be copied to ICANN?

J. Scott Evans: Sure, absolutely. We have no problem with doing that, but since it's been turned over to the FTC, there's no reason to ask ICANN to take any action. They've taken their action. So the idea now is to address the person or the

group that is being asked to be the ultimate fact finder and determiner if any action should take place.

Steve DelBianco: And yet when we had earlier drafted it, it was asking ICANN to halt the Sunrise registration. They've obviously ignored that.

J. Scott Evans: That's right. ICANN...

Steve DelBianco: They've obviously ignored that. They've already launched it, right? So you're directing for the - you're trying to give helpful information to the FTC to answer the questions that ICANN presented to them in a letter that John Jeffrey sent over?

J. Scott Evans: That's right. And again our...

Steve DelBianco: A question for you, J. Scott. We should take a queue on this.

J. Scott Evans: ...view is that we think it's unfair.

Steve DelBianco: Got it. There were two items, (Yolanda), if you'll scroll a little bit lower to the bottom of Elements Needed, please. Thank you. So there were items on the bottom of the BC list which said call into question the qualifications of Vox Populi and challenge ICANN on whether it adhered to its own applicant guidebook at letting that entity apply for and be awarded a contract. Do you believe, J. Scott, that those two questions are appropriate for a letter to the FTC or are they things that stay within ICANN?

J. Scott Evans: Well I mean I - what we're going to do is we're going to look at everything that's been submitted and everything that everyone wants to, and then we'll hone that down. I mean this is going to be circulated to everyone for

comment. It won't go out unless we have consensus, but it should - that people are comfortable with the draft and that it should be actually be sent.

So, you know, but one thing we want to do is we want to sort of hone it to FTC precedent, so look at where they've taken action before and see if we can make some analogies.

Steve DelBianco: Okay. So I take it from that answer that we're not likely to ask the FTC to dive into whether ICANN followed its own policy and guidebook; is that correct?

J. Scott Evans: I'm not so sure that's an FTC issue.

Steve DelBianco: I'm agreeing with you. I'm just clarifying that we're dropping that from...

J. Scott Evans: That's not an FTC issue. The issue is, is the pricing scheme predatory, you know.

Steve DelBianco: Right.

J. Scott Evans: And...

Steve DelBianco: And, J. Scott, the outline that we provided was specifically designed to avoid being a me too to the Intellectual Property Constituency.

J. Scott Evans: That's right. And I...

Steve DelBianco: FTC, I mean I'm delighted that FTC is involved because FTC is about consumer protection, not brands. I know that copyright and trademark is about protecting consumers from fraud.

J. Scott Evans: But I don't know if we want to - I thought some of the terminology in the IPC letter was - I know they were going for strong, but it was almost inflammatory and it's been picked up in the press a lot. And so I think we want to ratchet ours down and make it much more factual and less aggressive.

Steve DelBianco: I personally concur with that, and most of the members would want to see the new draft.

J. Scott Evans: I don't mean less strong, I mean less aggressive.

Steve DelBianco: Got it. And if possible, given that the FTC is all about consumer protection, let's focus as much as we can on how this would be inappropriate for consumers. It may well be we have to acknowledge that complaint and gripe sites are first amendments right but we have to suggest it's not just the high fees that would be charged to brands, but that if a brand decides not to, we should investigate whether there's adequate policing of the validity of complaints...

J. Scott Evans: That's correct.

Steve DelBianco: ...out there tarnishing the names of companies and potentially misleading consumers into mistrusting a brand or misleading consumers into trusting brands.

J. Scott Evans: Right. I think that's correct. I think that the position we need to take is the fact that they have exploited a rights protection mechanism. A rights protection mechanisms were put into place so that brand owners would have a tool to protect the ultimate consumer, because that is a duty that falls on the back of a brand owner under the trademark laws.

And by exploiting this, they have dis-incentivized brand owners to police and take the necessary action. And so no one is saying - although I have to say that the fact that brand owners have rushed in and registered mybrand.sucks isn't going to help us, because it looks as if you're just trying to shut down free speech. But I still believe they, by making this premium name and by making things 250 times more expensive, I think that that's egregious.

And I think Phil makes a great point in his article, and it may be where we ultimately end up, is that maybe this isn't a legal issue at all. But we are certainly going to see if we can find some precedent for similar like situations or something analogous that we can glom onto (unintelligible) consumer protection. Because ultimately...

Steve DelBianco: Keep in mind that the FTC mandate is unfair and deceptive, and let's pick up on that if we can.

J. Scott Evans: Okay. We'll...

Steve DelBianco: And the unfairness doctrine at the FTC is fascinating. It's had a long history of varying ways in which they enforce it, but a lot of it has it to when the - when a company presents its consumers with almost no choice at all, where they have to do something. And that's often been perceived as unfair.

J. Scott Evans: Right. So I mean we're going to - this is going to be a little bit more thoughtful because it's not going to ICANN, it's going to the regulatory. And we want to make sure that we have a lot of high profile members who have relations with the FTC, and so we want to ensure that when we go in we go in with a credible argument.

Steve DelBianco: We're going to take queue on this. And, J. Scott, I wanted to ask you this: have they opened up - has the FTC in the U.S. or the Canadian group opened up a public comment where they're collecting info and asking folks?

J. Scott Evans: I have not heard of anything, but I do know from discussions on another issue with regards to this that for them to really get excited about something, they have to hear from various and sundry people, right? They need multiple affected parties, not just one.

Steve DelBianco: All right thank you, J. Scott. Let's upon up to a queue. Susan Kawaguchi, you're first.

Susan Kawaguchi: Hi. Sorry I just joined. I was late driving in this morning. But one of the - one of my concerns - I mean I think we should pursue the .SUCKS issue, and I was one of those, J. Scott, that have registered or applied to register. But I, you know, I don't know if the .SUCKS pricing is an extreme example of, you know, targeting registration for high premiums for the Sunrise. Because I paid similar prices in other registries, and you know, I mean the .TALK example has been worst-case scenario.

So I just want to make sure that no one on the other side can come back and say, "Well .SUCKS is, you know, sort of in the top third, yes, but it's not the worst. And other registries have sort of set the example of being able to charge this amount." I will need to do some research on that, but -- and I know Elisa's just put her hand up so maybe (Mark Monitor) can provide that information -- but it's not the only registry that has charged this price.

Now what I thought they were going to do is then add on, you know, put our Facebook.sucks, for example, in a, you know, more premium category, but we haven't been hit with an additional fee yet.

J. Scott Evans: Okay. Is anybody still there?

Elisa Cooper: Yes. I'm sorry, I didn't know if Steve was going to call on me, but so...

Steve DelBianco: Go ahead, Elisa.

Elisa Cooper: Another thought, so there aren't very many registries that are doing this though, this sort of really extreme pricing for brand owners. We've seen there are, you know, yes it's not just .SUCKS but another thought is if we wanted to we could possibly call out the others as well.

J. Scott Evans: Yes. Okay well what I'll do is we'll focus on .SUCKS for the time being, and then if we want to add in others, we certainly can. I think the biggest thing here is tying it to the RPM and the premium and singling out the brand owners.

Steve DelBianco: You can do that, but if you do that you're tying it more to ICANN's own processes as opposed to unfair and deceptive practices on consumers and companies.

((Crosstalk))

Steve DelBianco: I don't even think that the high price - to Susan's point, the high price is not our best argument when we're asking the Federal Trade Commission to look into the concerns about consumers.

J. Scott Evans: I think it is when you say that now companies are not going to be, one they won't use RPM, because it puts them at risk of some other registry tying it and making it more expensive. They just won't use it.

Steve DelBianco: A precedent then, right? Okay.

J. Scott Evans: So I mean we have - I think - I don't think we're at a point now where we can put in a thesis sentence what our position is. I think we have to work through it, and that's the reason we don't have a draft today.

Steve DelBianco: That's a good explanation, and I appreciate the perspective that's been raised so far. And we'll look forward to another draft coming out.

((Crosstalk))

J. Scott Evans: I think one of the most interesting things that ties into this, just to go off point for a minute, is the fact that I read an article recently talking about the reason, you know, that we got all these domains so that they would be short, clippie domains that are all taken away in .COM and they premium-ized them to a point nobody wants them because they're so expensive. So I think that's an interesting marketing development.

Steve DelBianco: J. Scott, give us all a target date when you think your team might have another draft.

J. Scott Evans: I said mid next week.

Steve DelBianco: Thank you very much. Ron Andruff, go ahead.

Ron Andruff: Thanks, Steve. Just listening to the discussion, I perhaps naively kind of saw that action as something that would affect all the new gTLDs. In other words, ICANN sent this out with regards to .SUCKS saying it's, you know, is this

predatory or not predatory, and I think or I understood that we would get back some kind of a response from these two regulatory bodies advising on that.

And from there I assumed that we would be able to use the GNSO Council and move in a direction to have, depending on how that comes back, but assuming it comes back saying yes this is predatory, the council would then actually call for a PDP to actually do some kind of review of all of the predatory practices that are happening.

So I sort of saw this as a two-step thing. I may not have, you know, the right people doing the right things, but I just saw this - whatever comes back would probably be in our favor, and from there, there would be more activity to be undertaken. Do you see that, Steve, the same way or you do this as just a standalone?

Steve DelBianco: No, Ron, it's all part and parcel with the same process; but J. Scott's right, it would be so much better if we can also submit arguments about unfair deceptive trade practices, because that's all the FTC cares about and send it into the FTC.

We can do that long before the FTC rules on this. Whether it's - I don't even think it's likely the FTC will answer by the end of May, which was the timeframe ICANN asked them to. So while that...

Ron Andruff: Investigation and the question is will they even open an investigation? And from my discussions with FTC lawyers on other issues affecting my company they are not interested unless they can hear from numerous affected parties. They think that...

Steve DelBianco: I think Jay Scott's right about that, Ron. So that's why our letter has to go into the FTC now and if the FTC gives us a ruling, Ron, then we'll also pursue it through our councilors. We'll pursue the kind of work at council that you described. But that - I believe we have to do both.

Ron Andruff: Great, that's where I was coming from so thank you for that - thanks, Jay Scott. All right.

Steve DelBianco: Let's move in the agenda then. I want to turn next to - thank you, Jay Scott, appreciate your speaking to the group on this.

The next one, Susan, you circulated just yesterday a couple of attachments on behalf of the (unintelligible) working group, now known as the expert process working group on next generation registration directory services, which everyone sort of knows as the next coming of Whois and how we're going to improve it on the future.

You've been a leader on this topic from the very beginning. I did attach most of the documents to today's policy calendar. I wanted to give you an opportunity to tell us about where this expert working group is and what the BC can do to help. Susan?

Susan Kawaguchi: So we've almost finished our work. We were hoping that we would be done with the - once we finished the framework. But it looks like - so we developed the framework because we thought more thought should go into designing the PDP process than usual PDP.

So these are all just recommendations, however, the PDP is structured, the - you know, community does not have to adhere to these recommendations but

there has been a lot of thought that's gone into them between members of the GNSO council and the board.

So we delivered that to the board in the GNSO council last week and this framework will be part of the preliminary issue report. And the preliminary issue report also will include the EWG final report, which the community's never had a chance to comment on, the final report at all.

So that should hopefully be done by June. Then there will be a - hopefully a 60-day comment period so people have the time to, you know - between the Buenos Aires meeting and everything, have the time to focus on it.

One of the issues that we need to focus on before that though - and I think May 1 may be the deadline is the budget - the comment on budget because - and we had a discussion on the GNSO council this morning about the budget in general.

But - and how much is allocated for policy work and it - and in general it doesn't seem like enough but I'd also like to do the specific callout for ensuring there's enough budget.

And I don't know what the number is to cover this PDP because once it does go forward it's going to be a massive PDP requiring a lot of volunteer hours but also a lot of staffing and maybe we even discuss having a paid facilitator, which is something, you know - we have paid facilitators randomly for special meetings. But you know, we've not - as far as I know, we've not had a PDP that's been run by a paid facilitator.

There's some, you know, discussion needs to be done around that too because it could be good or it could be bad. So we need - if the BC is going to file

comments - and I haven't tracked this on the budget, we may want to include that as part of our request if that - please look at this, please plan for it, don't come back and say that we - there's not enough budget to do what we want. Bruce Tonkin is very much in favor in making sure that a face-to-face meeting probably separate from ICANN meetings are held for the next generation directory services PDP.

Steve DelBianco: Susan, thanks for that report. One immediate take away is can you give us a sentence or two to add to the draft that (Jenson) circulated on the FY 2016 budget? And that's due May 1 so we need to get that fairly quickly. It's the third item under public comments.

Susan Kawaguchi: Okay.

Steve DelBianco: Any questions for Susan?

Susan Kawaguchi: Okay.

Steve DelBianco: Thank you, Susan. Okay, I'm going to turn over now to Phil Corwin and Susan as our councilors at GNSO to talk about the meeting they had this morning and motions that were considered and then any other council related matters. Phil and Susan?

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

Steve DelBianco: We do.

Phil Corwin: Okay. Let me start, I just sent around the BC members copies of the three solutions that were passed in council this morning to run a consent agenda.

They were rather technical amendments on work before the standing committee on improvement implementation and you have the text on those.

The third was the council adopted the modification of the charter of the working group on curative rights protections for international governmental organizations to give the working group which I co-chair more flexibility on what we're dealing with.

So those were the resolutions adopted. Did you want me to get into the discussion of the work of the CWG on the stewardship? Because that...

Steve DelBianco: Let's save that for the next phase of the call.

Phil Corwin: Okay, the other - a lot of the meeting was reports on what's going on with accountability and the transition.

One new issue which came up was there was some discussion toward the end - and I shared this with the BC earlier today, the council had advised the board of it's intent to call for a cross community working group to discuss the best use of the proceeds of the last resort auctions for new TLDs, which is a fund that totals about \$55 millions right now and could grow larger.

And the chairman of the council got an email back from Steve Crocker yesterday which I shared with you - all of you, which basically said that the board had already decided that they would reach out beyond the ICANN community for ideas on how to use that money and would just look to any ccWG as one input for suggestions on broad ideas.

And there was a lot of concern within the council that this was another example of a top-down decision without any dialog with the community before the board had taken it.

And also, a lack of understanding of what really - there's going to be a further inquiry as to what this means because none of us can figure out what the Internet community beyond ICANN is because everyone in the Internet community is free to participate in ICANN and would of course be free to participate in a cross community working group through whatever - wherever they come from.

So there was concern about that and no decision made because we frankly don't understand exactly what the board has decided here other than the fact that - despite past statements and public meetings that when the use of the money was discussed the board would look to the community for input that now they're looking - to the community but also beyond the community to other Internet entities which somehow are not part of ICANN.

So that was pretty much - Susan, did you have anything else? Have I missed anything major that came up on that early morning call today?

Susan Kawaguchi: No, I think you covered it. That was - Steve Crocker letter was the biggest concern I had from the phone call this morning.

Phil Corwin: Okay, that's our report, Steve.

Steve DelBianco: Yes, will they ever learn? They've created a revolt in the community with top down, outside experts when they have a community that they were designed to listen to. I should just - amazed.

Jay Scott: Steve, this is Jay Scott. I think this highlights how important the work that your group is doing on accountability is. And you know, I keep seeing all this stuff with this - a huge flurry of information about how everyone's sort of getting exhausted because they're pushing so hard to get to the deadline of September 15.

And I have tremendous concern as I do with everything that ICANN project manages that they're not being thoughtful. They're just being driven by a deadline, a false deadline in their own head, and that they're going to really mess this up.

Steve DelBianco: Jay Scott, I appreciate that. And I did want to add that it's our own chairs who are driving to make the deadline. I don't think I can hang this one on ICANN staff or the ICANN attorneys, the ICANN board members who are part of the working group.

A lot of this drive to try to make the deadline is coming from our own chairs and it's a mixture of sentiment right now. I'm doing four to six hours a day of calls on this and I'm not anxious for this to go on for two years because it would be better if we really could get this done in the next two months. I may not be possible though. I think quality could suffer if we jam it in.

And I did attach the current draft of what (unintelligible) is doing on the ccWG and Susan and Phil, if you don't have anything else on council maybe we'll just quickly segue into the IANA transition. Anything further on that, on council?

Phil Corwin: Yes, Steve, I did - there was a very useful chart from the - describing what's going on with the CWG, which I distributed on the BC list earlier today. And you can - speaking about work load, since that group started on Page 5 of that,

the workgroup has had 54 total calls and meetings totaling 3,302 working hours and 3,189 mailing - email exchanges.

I've got to say, personally I noted in one 15-minute period yesterday I got a total of CWG, ccWG, WP1, and legal emails - I got 52 emails in 15 minutes yesterday on this stuff. So it's become a process that no one human being can follow everything that's going on unless they do nothing else with their life, including not sleeping pretty much.

And I am concerned - you're correct that it's the leaders rather than ICANN or ICANN staff driving the schedule. But I am concerned that quality will suffer and there's - as you know, there's a lot of push back from members saying, you know, people can't be on three or four calls a day several times a week that people have other things going on in their lives. And I'm afraid that people are dropping out to - and it's an even smaller group.

Having said that, the status of the CWG stewardship - and if you have that PDF it's on Page 7 is that they're going to release next week around - they're targeting April 20 a paper for public comment, which is they expect to be 20 to 25 pages put out for 30-days public comment.

But this is not going to be a detailed transition point. This is going to be a much higher level, broader brush stroke paper, which also concerns me that the community would comment on a rather high level principles document rather than something with a great deal of detail.

And then they foresee submitting that to the IANA coordination group right after - about a month after the comment period closes and they're given the stakeholder organization and advisory committee 17 days to comment after the public comment to review.

And they've got a tremendous amount of work done. There are multiple issues for the CWG stewardship and that's on Pages 9 and 10 of the document. Even though they're going to be putting some out for comment next week I'd say about half the items they're supposed to be addressing have not even been started yet.

So I just don't see how they keep to the time table and how they can expect to deliver some of the IG - ICG in two months when the document they're going to produce next week will be high level and will not even address half the issues on their table.

So I think it's good to keep focused on this and to push it forward as quickly as is practical but I'm wondering whether the approach right now is practical but we'll see. And that's what's going on. But bottom-line, the CWG putting out a 20 to 25 page document next week for 30 days of public comment.

But it's not going to have a lot of detail and it's not going to address everything they've been - they decided they need to address with this. And of course, once that gets delivered to the ICG it gets integrated by that group with the input they've already gotten from the numbers and protocol groups.

And all of that has to be integrated with what you folks are doing, Steve, over in the accountability area. So there's a huge amount of work left to be done. And I'll stop there.

Steve DelBianco: Thank you, Phil. You're right, no one person can manage everything so thank you for what you and (unintelligible) are doing at monitoring CWG. I put into the report what I'm doing for the ccWG.

And I realize that the CWG is relying upon some of the accountability mechanisms that we're designing in ccWG and we're going to be a week behind then at issuing another 30-page document again, a little bit higher level, a little bit lacking on the details.

But my report in the bottom of the policy calendar indicates where we are. Happy to take questions from any BC members for (unintelligible) or for Phil or for me. (Yolanda), it would help us all if you would give us each scroll control on the document since it's a little tough for you to keep up and know where we are.

Why don't you - thank you, very much. Give us each scroll control and if any of you wish you can scroll to the bottom of the document in the Adobe Chat. And that's where the reports on the CWG and my ccWG summary are listed.

(Yolanda), I'll also ask you in the future, when you convert my email to a PDF, if you're able to do so and preserve the indenting and formatting it would be a lot easier for people to follow. If that's not easy, (Yolanda), I can send you a PDF that's formatted that way.

You don't want to use cut and paste. You actually want to do print as PDF. That was to give people time to raise hands and ask questions. Seeing no questions, seeing no questions, Elisa, I can turn it back over to you.

Elisa Cooper: Thanks, Steve. So I think we're actually through our agenda. Is there any other business that members would like to bring to the table or items that we should discuss on today's call?

(Ellen Blaker): Elisa, this is (Ellen Blaker), (unintelligible). I would like to make a comment. I was - tell folks, I had a chat with Larry Strickling yesterday because I ran into him at a thing and he was asking me about - are you guys there?

Elisa Cooper: Yes, and we can hear you.

(Ellen Blaker): Sorry, I was having technical problems. He was asking me about why businesses - kind of regular businesses aren't more engaged in - or really I think he was asking about why people don't care more about the transition in the sense of helping, I think, NTIA address some of the political problems they are having on the (unintelligible).

The conversation we kind of had was that the amount of time that it's taking and I think what we just talked about here is just such a barrier to anybody, even, you know, you guys who are doing it, you know. To get your management of a company that isn't engaged in this to support participating at that level is just not going to happen.

And that if they're looking for business for, like, kind of a broader set of business to care about that, the structure that they've set up is just not conducive to that.

And I encouraged him to talk - I have at the moment not planning on being in Buenos Aires but I encouraged him to talk to the BC about that in - at the ICANN meeting, that that was a good opportunity. Because it seemed like that was the best opportunity to understand what the kind of more general business interests were.

I think what he's trying to do is be able to articulate more clearly the dangers of not making a good transition and I think in his mind that includes the

dangers of a lack of international support for the transition that would translate into governments, you know, doing all the list of horrors we're afraid they would do if - you know, under the heading of (unintelligible) of the Internet, I guess.

And he was trying to kind of, I think, be more piffy about what those changes were and he was saying to me, you know, what do you guys view the dangers are as businesses.

And so I encouraged him to maybe meet with the BC when he was down there because I just think he's not understanding so many aspects of this from a general business perspective, both the effort that is being put in and the time required and how that itself acts as a barrier for broader engagement on the business community, which I know we struggled with in BC. So I just share that with all of you.

Elisa Cooper: Thank you, that's very helpful. Perhaps we can set aside some time to actually meet with him and provide him some feedback and our perspective.

(Ellen Blaker): I think he would be hugely appreciative of that and he's - you know, he's got particular, I think, set of problems that are in addition to an actual functional transition.

He's kind of got some political problems in the US about even getting to the point where they can, you know - or keeping the US congress from completely scuttling any progress or worse, making all your hours and hours of work kind of come to not.

So I think it would be worth - I don't know what your schedule is and if you have time or what his schedule is but I think he'd be really open to just - even an informal kind of sit down would be - Excomm or whoever's around.

Elisa Cooper: Yes, I mean generally we have - I'll check with (David) (unintelligible) but generally we have a fair amount of time to play with, the constituency day. So - and (unintelligible) our agenda - as we're putting all of our agenda's together, both with the CSG and then our individual BC agenda, that's good to know.

We did - just by a show of hands, would folks be interested and okay meeting with Larry if you'd use the agree button in Adobe. I see one person. I see a couple. I see a few. Okay, yes. So I think that's great, (Ellen). Thank you so much, that's super helpful.

Phil, I see you're next and then Steve and then Ron?

Phil Corwin: Yes, thank you, Elisa. I'll try and be brief here. Wasn't when I raised my hand but I have to respond to (Ellen)'s remarks. I'm a little confused. Larry Strickling has repeatedly stressed that September 2015 is a goal and not a deadline.

And there's no problem if there's a requirement to extend the contract, which I think is going to happen anyway. And if he's expecting business to be going up on capital hill and tell Congress to not make inquiries - and I haven't seen any evidence that Congress is trying to scuttle this.

I do - have heard there's going to be additional hearings where they want to inform themselves. But I'll just say, I think business will make the case to Congress that the transition should happen when business sees a well-thought

out transition and accountability plan that they think is going to work. And we're not anywhere near that point yet.

So I think the - I got to say, for myself the concept that businesses could be up on the hill telling members of the commerce and judiciary committees not to worry and not to make inquiries is not a realistic request if that was the nature of it.

Having opined on that, the reason I did raise my hand was just wanted to remind folks that on the auction proceeds issue, the GNSO Council is looking for feedback from stakeholder groups and constituencies.

So I hope there's some continued discussion of that that the two councilors, Susan and myself can convey back to council over the next few weeks as people consider the best approach on that issue. And with that I'll yield the floor.

Elisa Cooper: Steve?

Steve DelBianco: Thank you. (Ellen), when Larry asked you the question about engagement, the end of the way he asked that question is of most concern to me because he said why aren't you up there helping NTIA address the political pushback from the hill? That's really what he's asking. He's not asking you to get engaged on the working groups.

He wants cover with Congress and I understand that. They want to avoid politicizing the transition of IANA and I think the BC agrees, we don't want to politicize it either.

Thus far businesses like mine and Net choice have been very good about asking Congress to be watchful, to insist upon things like stress testing but to be patient, wait for GAO, wait for the proposals to come in.

But Congress is going to take a role and frankly Fadi (unintelligible) stepped right into that role. When he testified on February 25 he made unilateral promises on behalf of ICANN for the transition.

He promised the affirmation of commitments will be brought under the bylaws, including (unintelligible) on maintaining headquarters in the US. Fadi did things that quite frankly none of us expected and Congress is in this and at this point what does Larry want us to do? To go up and tell Congress to go away? That isn't going to happen.

We're going to wait until the proposals and then we'll be able to encourage Congress to accept proposals that the community supports but they may well have legitimate questions about things we don't support. Thank you.

(Ellen Blaker): Yes, let me just- you know, I don't want to be defending any (unintelligible) the process, I'm just reporting my conversation. But the one thing he was particularly - he particularly mentioned - and he wasn't accusing. He really was interested in kind of knowing where everyone stood.

He wasn't saying why aren't you guys helping, I think I put those words in his mouth. But the one thing he did identify as a concern was this continuation of the prohibition on NTIA spending money on the transition. There's - and I'm not an expert but we might figure out who is or get some company lobbyist to explain some of this to us.

But the concern is that the appropriator's incentive is to do things that they've done before and that they will continue that language because it's easy and the Internet isn't broken and they don't understand. And that once it gets continued to - you know, they can - they put it into September, not because that was the date of the contract because that was as long as the bill went. And so they've got another bill in front of them and they will put it in again and, you know, some concern that this will just become something that is always there and a giant problem to work around.

So I think that was on his mind - was that particular issue and not kind of a broader role for Congress but just this appropriation language that there's some indication they have that the appropriation - the appropriators involved don't see why it should come out.

Elisa Cooper: Thank you. Ron? And then Aparna? And then we're almost out of time. So Ron, go ahead.

Ron Andruff: Thank you very much. It's also very loud here so unfortunate some background noise has come on I can't avoid. But I just wanted to bring member's attention to a post I put in the chat - into the BC private on Tuesday regarding picks. This is a battle that will need to be fought in BA. It's probably where it's going to be fought.

So you'll be hearing more about, the public interest commitment specification. The chair of the NGPC now has confirmed to me he's not letting this go until he's resolved and what we're facing is a contracted party side veto effectively.

The registries and registrars have vetoed two proposals so far to review the picks and we will - certainly this will be heating up in the next slide. Just want

members to be aware of it and if they could read that post on - from Tuesday that would be helpful. Thank you.

Elisa Cooper: Thanks. Aparna, I know you have to drop. Did you want to just for the record make your comment? Are you still there? Okay, just - so just for the record, Aparna wrote into the chat that she wants to make sure that we continue to guard against the transition getting politicized through appropriations or otherwise. So that was Aparna's comment.

All right, so I think we're right at about time so again, I want to thank everyone for today's call. And we will continue to get ready to work on our meetings in Buenos Aires. And I think we've got some ideas about things that we want to address.

And so in the coming weeks be on the lookout for some ideas about things we would want to discuss on our Tuesday meeting and then (David) (unintelligible) and I will work with the CSG to begin to develop agendas for those meetings as well. All right, thank you so much everyone. We'll talk to you next time.

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