

**Transcription ICANN Dublin  
Tuesday 20 October 2015  
Commercial and Business Users Constituency (BC)**

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On page: <http://gnso.icann.org/en/group-activities/calendar#oct>  
The transcriptions of the calls are posted on the GNSO Master Calendar page

Steve DelBianco: Let's see if we can get a few things out of the way while everyone is trying to squeeze a lunch in. I'm Steve DelBianco with NetChoice and I'm the Vice Chair for Policy Coordination here in the BC. And why don't we just go around the room and introduce? Thank you.

Jimson Olufuye: Yes, my name is Jimson Olufuye. I'm the BC Vice Chair Of Finance And Operations.

Andrew Harris: Andrew Harris, Amazon.

Paula Christie: I'm Paula Christie, MPC.

Kevin Audritt: Kevin Audritt, HSBC.

Laura Covington: Laura Covington from Yahoo.

Marie Pattullo: And Marie Pattullo, AIM, the European brand association.

Nivaldo Cleto: Nivaldo Cleto, I represent TARC, Authority Certification, Public Registration of Brazil, BC member.

Paul Mitchell: Paul Mitchell from Microsoft.

Scott McCormick: Scott McCormick, Kvant.

Jay Sudowsky: Jay Sudowsky, Internet Infrastructure Coalition.

Chris Chaplow: Chris Chaplow, Andalucia.com S.L..

Steve Coates: Steve Coates, Twitter.

Kay McGowan: Kay McGowan, LinkedIn.

Cheryl Miller: Cheryl Miller, Verizon.

Claudia Selli: Claudia Selli, AT&T.

Susan Kawaguchi: Susan Kawaguchi, Facebook.

David Fares: David Fares, First Century Fox.

Chantelle Doerksen: Chantelle Doerksen, CSG Secretariat.

Benedetta Rossi: Benedetta Rossi, ICANN staff.

John Berard: John Berard, Credible Context.

Andy Abrams: Andy Abrams, Google.

(Eva Vane): (Eva Vane), CSC.

Tony Kirsch: Tony Kirsch, NeuStar registry.

Matt Serlin: Matt Surlin, MarkMonitor.

Geoffrey Noakes: Jeffy Noakes, Symantec.

Barbara Wanner: Barbara Wanner, US Counsel For International Business.

Cecilia Smith: Cecilia Smith, Fox.

Chris Wilson: Chris Wilson, 21st Century Fox.

Maria Hinz: Maria Hinz, .Berlin and .Hamburg.

Steve DelBianco: Thanks and welcome everyone. If you'd find into the Adobe chat, will be displaying a few documents in there because it's nearly impossible to read the screen if we display anything up there, particularly because we have the good fortune of being in the room that has windows.

It's a huge benefit, and we're not going to close those lines, right? So Phil Corwin, are acting Chair, is probably somewhere nearby. I thought I saw him drifting around. So what did Phil have on here?

He had 1:20 to 1:35, supposed to be topics of interest. I don't actually know what he had in mind for them. So I would suggest is that this might be a good time for me to write down the list of some topics of interest other than those that you see on the list that are already on the agenda.

I certainly have a lot to dive into on the policy calendar discussion, as well as the discussion of the cross community working group on the IANA transition and accountability.

But we didn't want to crowd out all of our other topics with that discussion. So I'll take a queue on other topics of interest for the BC today, other than what you see on the screen in front of you and I'll just jot them down.

Jimson just suggested one on outreach - the concept of the BC trying to reach into different geographical and sectoral, demographic areas to increase our membership and representation of the global Internet business community. That's a great idea.

Any others you want to find the agenda? Great. So GNSO review would be the next topic but Jimson, if you'd like to dive into outreach, whether to give us an update and any query into what we need to do better to improve our outreach?

Jimson Olufuye: Okay, thank you, Steve, and welcome everyone. Perhaps I'll also use this to touch on my other element, finance. At this time, so we have 87,000 euro account balance and about 50% of current membership are paid.

Do - there are some members that we have - the process is ongoing with ICANN, but we are hoping down the line, as we have been briefed earlier, that will be able to handle this independent of ICANN.

And with that, we have legal representation right now, a legal agent that is Michelle Greenberg and Lieberman working on business registration as a not-for-profit organization, so will be able to get it in.

So we're getting to chat - a discussion later, so will be able to talk about what we need to do to get this moving forward quickly. So the second round of invoices will be sent maybe by October 30th, thereabout. Members will have 14 days to pay up to maintain a membership, to be in good standing.

The FY '17 board preparation is already ongoing and major feedback from that, as I mentioned on the list, that Steve and Cole need to be fully aware of

those on accountability, on the need to fast track the process of resolving ICANN accountability and the IANA transition because it has some direct implication on the budget - budget preparation for FY '17.

Now to the outreach proper, I really want to appreciate the audit committee of - Marilyn Cade and Helen Blankley. They did some major review and we had some outreach in Africa, that is Johannesburg, and in conjunction with African Alliance.

And also in Asia, Malaysia - that was two weeks ago at the social leadership summit where we had about - close to 1000 business leaders right there. So that's really - puts to the table more awareness in those regions.

And - but it's quite interesting that many do not know the extent of what we're doing. They don't really understand much of the work, the grant work, we do in the ICT companies.

So - but that outreach was quite significant and I took kind of a rough feel of the room with regard to got to - add their support for the ongoing initiative of BC and it was unanimous that it was really supported.

The second general of (unintelligible) is here. David, David, are you in the room? I just I am commend. Anyway, the second general of social is also here with us today.

So the point is this - we need to strengthen outreach engagement in the developing countries. Businesses in those regions fully support what we're doing but I can assure you that so many that do not know what is going on.

There are still so many that do not know what is going on. And we need to continue to engage so that we can bring more hands to join us to address the burnout issue, you know, volunteer burnout issue so - and expand our horizon.

Again, it's clear - it's not just in North America or Europe - issue. If the global issue that concerns the business and the businesses need to be fully engaged. So I want to encourage the outreach committee to put in more effort. Especially Latin America, we need to reach out more to businesses and get them on board. Thank you, Steve.

Andrew Mack: Hi, this is Andrew Mack from AM Global. I'm sorry missed introductions. I was getting coffee. The - a couple of things. First of all, thank you Jimson for this and thank you to all of you in this community who have suggested people that we should be outreaching to.

We would very much - the outreach committee, as you know, it's very small. We have a pretty good broad mandate that would very much like more of your thoughts on individuals that we want to be reaching out to on specific geographies where you think we have some real opportunities.

We will go ahead and follow-up. We have the language capacity. We have a lot of interest amongst the small group of us to pursue this. The challenge is in - really is in running our network. And so we've been doing a lot of work in Africa because Jimson and I are very active in Africa, and I think that we're making some nice progress there.

I would also like to put in a plug for getting us information sooner about things that you'd like to do because that makes it a little bit easier for us to respond. Everybody has a bunch of other things that they are doing, so you know, if you can, it's - there is some budget for this kind of thing.

What we're trying to do is be more intentional about all of it so that we're more to a plan as opposed to just responding to people's request. But I think we've done some very, very nice stuff.

We will do as good a job as we can to share the information of what comes out of all of these outreach events to - with the members of the BC. Last thing is, I want to encourage people to think about potentially participating.

I was a speaker and one event in Nairobi where I was physically present, that had a strong BC component to it, an Africa DNS forum, but then with Jimson, was able to speak at other events via Zoom, you know, from my home.

It was not a big deal. I know that there are other voices in the BC who are really good and smart spokespeople for what we're trying to do and I highly encourage it. It's not a huge time commitment.

We arty have a lot of the materials put together so you really basically just need to show up and answer questions and be smart which I know everybody can do. So thank you very much.

Steve DelBianco: Andy, thank you very much. There are three things the BC can do in terms of outreach. The first would be referrals. If you know an event, an event particularly outside of North America, letting the outreach committee know, and you can do so by just simply sending to the BC, dash, private, or BC, dash, GNSO, so the events and contacts.

A lot of you are multinational corporations were you have business partners affiliates in the non-North American locations and it's vital to give those referrals if you think it might be interested in the BC, and will follow up.

So the first was referrals. The second is resource, and the BC has been keen to allocating several thousand dollars every year for resources to fund outreach travel and outreach events.

In the third is representation. I'm aware that, if Andrew and Jimson stitched together an appearance at a panel conference in Johannesburg, it's

important to have other people speak about what is going on in the BC and what happens at ICANN, why it matters to business.

Andrew and I have done it, but believe me, all of you would love the opportunity to speak for 15 or 20 minutes to an audience of newcomers and try to make it all real and make it all understandable and get through 20 minutes without using any acronyms while you're explaining ICANN. Good luck with that. It can't be done. I don't think it can be done.

Andrew Mack: It is doable.

Steve DelBianco: So referrals, resources and then representation. I want to suggest - this is vital to the BC, for two reasons that are on the agenda today. The next topic is GNSO review, and if any of you read the review of the BC, we were criticized for not having broad enough representation outside North America in the same old people that seem to be having to stand for office year after year because we can get enough of these to step up.

And we were also criticized indirectly recently by the board who, on the CWG - the CCWG for accountability. We were basing everything off of the advisory committees and stakeholder organizations. And one of the board members two weeks ago said, "Well, one of the reasons we don't trust the community is we don't think its representative enough of the global public interest."

So that too many folks from one business community or one demographic are in here. So the board criticized us on that. I'm not suggesting that that's dispositive of where we want to go with accountability, though it's clear that we need to do outreach better to grow the BC, increase the legitimacy of BC and the GNSO. Jimson, I think you were next.

Jimson Olufuye: Yes, just to use the opportunity to thank you, Steve, for speaking via video conference, as well, as Andrew Mack at (unintelligible)-berg event. You really



illuminated the issue and people have got to understand that they need to look inward, so it's a great value add and hope to do much more.

Well, really, to have this plaque here. Maybe we can do that quickly - from the Victor Summit. We have this plaque for Steve for speaking at that - distinguish speaker - distinguished speaker recognition for that summit that took place September 2nd. So, first for Steve. Steve. Please, take the picture. Okay, and the second one is for Andrew Mack. Andrew Mack, please.

Steve DelBianco: So that's the fourth R. it was referrals, resources, represent and get a reward. Thank you, Jimson. Any other comments or questions on the outreach effort before we turn to GNSO restructuring and review? Chris.

Chris Chaplow: Thank you, Chris Chaplow. I noticed while we were having our meeting yesterday, our BC closed meeting, there was an outreach looking event by the corporation. Does anybody know anything about that or - yes, thanks, Andrew.

Andrew Mack: I was there briefly. Aparna spoke, right? Okay, so if you wanted to talk more about it I stopped in and then saw it. It seemed like it was good and not - barely attended.

Steve DelBianco: Oh, introduce yourself, too.

Aparna Sridhar: Aparna Sridhar from Google. Yes, I spoke on a panel with Claudia and some other folks yesterday in the goal was to make ICANN more accessible to newcomer business participants.

I'm not sure how successful we were but I think people were engaged and they wanted to ask more questions and now hopefully it was a bit of an on boarding. Nothing further.

Steve DelBianco: Chris, that's great. Thanks for going along with that and glad we had some presence there.

Steve DelBianco: And yes, I would just echo what Aparna said and just say that having spent a little bit of time wandering around the audience, there weren't a lot of - not typical pieces that a lot of people representing geographies that were not typically in the BC, so that's good. And if we can get a list of the people who were there, we should probably, you know, follow up with them.

Steve DelBianco: Okay, I'm going to turn things over to Phil as the interim acting Chair and move on to the next topic on the agenda. Thanks.

Phil Corwin: Thank you, Steve. And our next topic is GNSO review, correct? And I believe Susan is going to start the discussion on that. However you want to key it up.

Susan Kawaguchi: Okay, I think we should talk about the motion first. Chantelle, can you put that link up on the - and you guys are going to have to help me remember what went on in the meeting earlier today. Where did we land completely with - so there was a - let me introduce it first, what she gets appear.

There was a late motion presented to the GNSO on process and participation and CCWG accountability and Avri Doria put this motion forward and asked for exemption from our ten day deadline. We usually have ten days to consider a motion before the next Council meeting.

And, if you could scroll to the third motion - and this simply is designed to ensure that we talk as a community and all the constituencies, the GNSO, as - in general, supports the CCWG accountability track. But I know, Steve and Phil, there was more discussion this morning and I can't remember if we decided on boarding or not.

Phil Corwin: Phil here. Where we left it, and the focus is on the results clause, and this was at the CSG meeting - everybody is fine with the first two clauses there. The third one, I think there was general agreement that it would be...

Steve DelBianco: Excuse me, Phil. Why are we talking about CCWG? The GNSO review - isn't this the GNSO review topic?

Susan Kawaguchi: Okay...

Phil Corwin: But the review of the GNSO...

((Crosstalk))

Susan Kawaguchi: Sorry about that, just...

Steve DelBianco: Okay.

Steve DelBianco: All right, we did the...

Steve DelBianco: I'm sorry. What - however you want to proceed. It just was on my mind that this was supposed to be the GN...

Susan Kawaguchi: Okay. We're not quite as organized. I apologize about that. So - thank you. Sorry about that. And so we will talk about - we have a session tonight and - the GNSO does, and we will talk about more of this motion tonight - all of the motions, actually, and then come back for guidance on exactly how we should proceed. Or do you have guidance that we should - does anybody have an issue with how this is moving forward?

Steve DelBianco: For this motion, I think at the CSG meeting this morning, there was general agreement that we should have a conversation with Avri to see what that last sentence - what would work so that - because we want to be able to be

supportive of this, right? So there was a question of whether we need to stop after charter or not.

Susan Kawaguchi: Right.

Phil Corwin: And they were going to have a conversation with Avri and then figure out the right wording if they could be in agreement with Avri.

Phil Corwin: The - at the CSG meeting this morning, there was general consensus, and Greg Shatan was going to bring it to Avri Doria that the last clause should read, "And to working through the process is agreed upon in the CCWG charter before declaring support and ending," so knocking out a few words there.

And that would be so - the more general and not taken as some wording that was striking back at the ALAC for the change in position they announced yesterday. And we haven't heard back from great yet on whether that was acceptable to Avri. We hope it is, and - but this is just to show general continued council support for the CCWG accountability process.

Susan Kawaguchi: ...that one. Thank you. And if you can scroll up to the next one - this is the next generation gTLD registration directory service, basically the EWG report. So it's been finalized. I put this motion forward. So far there's no support to second it.

And the concern is the community is so busy with the CCWG, so in a few discussions with other constituencies and, you know, members of - GNSO councilors. It looks like we do need to work on the charter for this - for the report, improve the charter and hopefully we can get engagement on that and agree.

There's probably going to be a deferral that if we did have it seconded - so the question is, is whether we should just go ahead and make that offer, like,

let's work on the charter a little bit and come back to the next meeting ready to second and move this motion forward.

So does anybody have any issues with sort of doing the re- outreach for that? And that's our, you know, strategy or should we work on getting a second, which I'm not sure I can? So Steve.

Steve DelBianco: I would ask - and folks, for a little bit of context. This is about the future replacement for the WHOIS system , which is a registration directory service which will take years to complete the development.

And we're now having a discussion about when should start? And there is literally a debate on council with the overload of things to do. It seems as if the urgency we attached to doing this is bumping up against volunteer burnout as well as staff support.

So if it's - if there's something to be gained by agreeing to defer, and there are two things you defer - you might defer the motion until our next meeting or you might defer it for two meetings.

You can also change the wording so that it says after the first of next year. There are number of ways that you could make some concessions to deferral. And I have two questions for you about that.

What do we get for that in terms of commitment that it actually will happen? And does it impact our ability to get it done soon enough that it could be around for the next round of new gTLDs?

Susan Kawaguchi: So I think we can secure a commitment, and that may depend on who the next chair is because Jonathan, I think, what absolutely require a commitment of the council, to quickly work on whatever outstanding charter issues at Avri has decided upon, so she's moving off of council so that may not be an issue.

And - but the registrars have already said they're going - they would - if we have a second, then they will defer it. So I think we need a commitment from them and the GNSO council in general that this is definitely - this motion actually moves forward and is approved before the first of the year.

But I agree that maybe we put a date that - really change I made to this to start was the part about, in general practice, once a motion goes forward, it's approved. Then you have ten days to make a call for volunteers for a PDP.

I think if anybody - if a call went out, either people would ignore it or just want to jump out the window. It's just too much to do. So I really think we should put a timeline in maybe sometime next year.

And I also talked to Chris Disspain, the board member, and he said he would be - because this is a board initiated PDP. They asked for this PDP - or the report. And so we - he said he would be fine but it shouldn't go past next March. So your second question, Steve, can we get this work done before the next round? I highly doubt it.

Steve DelBianco: Yes, and speaking of that, we discussed timing on this back in Buenos Aires when we moved to that change in the motion to make sure that this - the second round of TLDs couldn't go forward until the affirmation of commitment review complete.

And it looked like that (held) it up at least until early 2017. We also had a description of what the PD process would be for this new generation, that - to replace WHOIS and it's the mother of all PDPs. It's extremely complicated.

My recollection is that it would take part in three separate phases, so it's not going to be quick. Whether it can be done, if it started early next year (unintelligible) new TLD second round (ones), I don't know but it's a pretty

daunting proposal. And based on a past history of WHOIS, it will have some fair degree of controversy once it gets going.

Steve DelBianco: Yes, thank you. On the screen we just simply positioned the policy calendar, which was circulated last night to each of you. It has hyperlinks and it to the topics that Susan and Phil and David have been mentioning.

And the one they just talked about was called item 5 on tomorrow's agenda and that was that motion to launch it. I don't want to bring it up here but any of you can click on that motion and it should have a hyperlink to the actual text of the motions themselves. So, Phil, back to you and Susan as counselors. What's on the Council agenda that is worth discussing here today?

Susan Kawaguchi: ...and impact analysis and sort of concerning human rights but that's as much as I can - as much detail as I can get from her. So human rights seems to be surfacing a lot with WHOIS, so.

Phil Corwin: I attended the human rights and privacy (unintelligible) with her subsequent to the weekend.

Susan Kawaguchi: I have not, but we will be discussing it tonight.

Phil Corwin: Steve, on the proposed agenda for council tomorrow, we just got this from Glen ten minutes ago so we're first looking at it, I can go real quick through the items and we can stop whenever somebody needs to...

Steve DelBianco: These are the items - right here (unintelligible).

Phil Corwin: Did you - well, we just got this one from Glen with the proposed agenda for tomorrow's council meeting, this...

Steve DelBianco: (Unintelligible) can refer to it.

Phil Corwin: Okay. First is a motion for adoption a final report from the data metrics for policymaking working group.

Steve DelBianco: It's right there, Item 4.

Phil Corwin: Okay, anything that we should know about that one or noncontroversial?

Steve DelBianco: We filed a - this is Steve. We filed a comment from the BC endorsing the findings in the data metrics group. We offered several ideas to make it even better and improve it.

But this is a very helpful report that should change the way council develops policy in the future because we'll have more of an opportunity, even an imperative, to do the data-gathering and gather metrics to try and be fact-based before we launch. So I think that this one is a slam dunk and we should vote for it.

Phil Corwin: Next item is the adoption of them next generation gTLD registration directory service, RDS, to replace WHOIS. We just discussed that. I don't know that there's anything more to say. The next one we just also discussed - a late motion on process participation and CCWG accountability.

The next item, a discussion item, a letter from the standing committee on improvements, on GNSO improvements. It's not anything we're going to be voting on, just discussion of that letter.

The next item, discussion of possible action requests from the ICANN board concerning possible policy work on replacement insurance requirements for ICANN accredited registrars. Again, just discussion.

Steve DelBianco: It is discussion, but the reason I did the policy calendar is so that people could click on the link. This is Item 7 there and the link is the comment we found in May of this year.



So with this discussion gives our counselors an opportunity to comment, I would ask you to refer back to that we filed in May. We had a few ideas -- in March, I should say -- a few ideas on relieving the insurance requirements that's on the table.

But the request from the board is more about relieving any insurance requirements. I believe it goes much further than her comments added in the past. That you don't have to vote on anything, it's certainly an opportunity during the Q&A to bring up a few of the BC's concerns. So if you can click on that if you wish. It's the link on Item 7. Thank you.

Phil Corwin: Okay. Next item is discussion of possible action on request from the board concerning possible policy work and exclusive registry access to generic strings.

These are so-called closed generics which are generally not permitted under the new TLD program. The discussion is going to center about - a run with the proper definition would be of the global public interest. So...

Steve DelBianco: I could add a tiny bit of color to that. This was a topic that was very important to the business constituency during the process of evaluating applications that came in for the new gTLD round.

It's the notion that, if a single company, Goodyear or Bridgestone, was to let me dot tires TLD, it's a generic dictionary word, but here it's being controlled by a single company who is a competitor in that space.

In the BC filed comments from time to time through the new gTLD program expressing concerns that a generic word that was closed to a single company raised some concerns in the BC and was at a trademark issue.

It's more about competition and clarity and whether it would be an opportunity to bias the tires you look at. If Bridgestone were running it and you did a search on the Search.tires site, you can probably that that might favor Bridgestone tires.

And there's nothing wrong with that, of course. It was really just a matter of disclosure - as long as you knew that it was being run by a single company. So when a single word TLD is controlled by a company, sometimes they are competitor in this space, sometimes they're just a business that wants to build out a space - the BC has got to spend more time working on that because we currently have a bit of a split on our position there.

What, Phil, do you think will be the timing? The board is bringing it up for discussion. Are they asking council whether we want to take this on as policy development?

Phil Corwin: Well, we're going to be discussing the board's letter and considering the appropriate next steps which I guess could include a PDP. But, you know, this is related to the second round, so I think whatever decision is made is going to be - again, with the AOC review, standing in front of the second - the general second round, we're talking about something we have several years to focus on.

There will be a second round until 2017. I know there's the dot brand issue which is separate, but a general second round is off until 2017. So we have - will discuss it and I'm not sure what the council - with the consensus is going to be on what, if anything, to do going forward on this issue.

Steve DelBianco: This is Steve. If, in fact, the decision is to proceed, and if the board wants to make it all about, well, what does it mean to be in the global public interest with respect to ICANN, it doesn't mean solving world hunger or climate change for ICANN.

ICANN only does two things. They do registrations and they do resolutions. That's all we do. We do policy and enforcement on registrations and resolutions. So years ago, the BC had signed off on a proposed definition for the public interest at ICANN it was the availability of the integrity of registrations and resolutions.

It was elegant in its simplicity because it focuses on the only things that ICANN can handle which is registrations of names and resolving them, and availability and integrity were sort of fleshed out by the BC years ago, that availability meant 24/7, 365, every place in the world, and every script in every language. That's what availability of domain names is about.

The availability of resolutions is that there's no delay in the ability to do resolution of names for emails and hyperlinks. Integrity meant that when I bring up a domain name, I get the domain name I expected, not a cyber squad Website.

And integrity and resolutions might also involve steps to avoid, cache - domain cache poisoning and other effects that hurt the integrity of my resolutions.

So Phil and Susan, I mean, to the extent that the discussion heads down this road of what does the global public interest mean, I can forward you that earlier BC comment that laid it out, but it's a pretty simple phrase - the availability and integrity of registrations and resolutions.

Phil Corwin: Thanks, Steve, and I think clearly within the ICANN context that should be as narrow as ICANN's remit and not super expensive. Two items left for the council tomorrow. This is the old council before it dissolves and then the new one comes up and we're going to have to vote on a new chair.

The last two items to discuss - a discussion of possible action - this is the final report of the Independent examiner on GNSO. This is the GNS review

we kind of skipped over a few minutes ago. That was the Westlake consultant report.

There has been a lot of criticism about how that report was conducted and what its recommendations are and we're going to be discussing in the council whether we should be implementing some or all of the recommendations.

But again, it's just a discussion. No firm decision we make tomorrow is going to come back up later on. And you heard from the ISPs this morning that they thought that the review had fallen short in avoiding really grappling with the structural questions that all the steel with all the time where we have contracted house side that's quite united most of the time and a non-contracted house side which is very diverse and even where those of us within the CSG have very different focuses and interests and priorities sometimes. So - yes, John?

John Berard: So at the - the session we just had with the board, it's I think pretty clear that they're looking for us to, not just bitch about the structure, but the offer suggestion as to what we'd like to see in the structure. Is there any use - any value in having a conversation about that?

Phil Corwin: Does anybody have thoughts on structure they want to get into right now? I don't know that we really prepared for a long discussion.

Steve DelBianco: This is Steve. To make this a little bit easier, we can rely upon the work that the BC already did on this, this summer. In July, we filed comments on the draft report on the GNSO review. I put it into the chat.

Each of you have Adobe up, and you'll see the bottom line of the chat. So that is the comment and it's available anytime at (Bizcons.org, the Business Constituency website. So we raised several concerns and none of them were, frankly, addressed in the final report.

We're going to later on today talk about how working groups react to public comments and we're killing ourselves in the CCWG to react to public comments but our paid consultants on the GNSO review thought it would be convenient to not react much at all.

Maybe they'd run out of billing time on that project. But, you have a reservoir of concerns that the BC unanimously supported in July. I don't think we want to drag everyone here through that.

You can tap into the reservoir for comments and raise whatever you think is appropriate if the discussion goes there. But, we did not come out of the box saying it ought to be restructured. We had a lot of other subtle and more implementable recommendations.

Susan Kawaguchi: I did think, with listening to the board this morning, that it might be good to set up a sub-team -- more work -- of the BC, IPC, and ISPC, a CSG sub-team or a team of something to start thinking about what we would want.

So, you know, maybe we do that now and get ahead of the game. And then - so that we can agree on - hopefully agree on a way to move forward with this, line.

Steve DelBianco: Susan, Pages 2 through 4 of our July comments really get into that point, that the BC really resents the way Westlake wanted to gloss over the BC, IPC, and ISPs as just some Commercial Stakeholders Group.

No matter how many times we got on the phone and explained to these paid consultants about the unique identity, they tended to get a cost over. And then we filed comments to show them how to correct it, they honestly believe in reflect those comments.

Phil Corwin: Yes, they've been very - it seems like they already knew where they wanted to wind up on before they reached the end of the process. And it's

problematic. The final council discussion item, again, not a voting item, his discussion of the new ICANN meeting strategy.

To remind all of you what that is - everything - the meeting strategy changes next year. We've had, for several years, the same structure where we come in - council comes in the week before and some other groups come in before and then we have the four-days -- it used to be five until a few years ago -- the four days, and we're on day two of that right now.

Day two is always constituency day. The first meeting next year in Marrakesh is going to be exactly the same structure we're used to. The second, the B meeting, the midyear meeting, which is supposed to be in smaller venues and more regionally oriented and more oriented toward the constituencies interacting with one another, next year that's in Panama City in June or July.

So that will be a steamy meeting. And were going to discuss - I can't recall the council having come - having it figured out how it's going to get its work done in that meeting because ICANN staff have made it clear that no group, council or any other group, will be allowed, will be funded to arrive before the first of the four meeting days.

So it's a very short meeting. Council does not come in two days earlier and get to do all its council work before that starts up, so we don't really know yet how we're all going to deal with that meeting.

The first one may be problematic in terms of getting everything done, but it's - we're not going to get - they made it quite clear that they're committed to it and they will make any exceptions for anybody coming in early on ICANN's dime and doing work.

So, which, given you see, you know, at this meeting I was in the privacy of proxy working group all day Friday and then Susan and I were in - and she was there too. And we were in council all day Saturday and Sunday, so how

is all that kind of work going to get done in a four-day meeting which is filled with the usual things we haven't the meeting?

Will it be constituency there? We don't have arms around it. The final meeting next year, which I believe is going to be in San Juan, Puerto Rico, is going to be like the old ICANN meeting. It's going to be six days long - no, five days long, not four like this one.

There will be an extra day added on in the groups like the council will be permitted to come in earlier and get their work done. So that one, there'll be actually more time to get things done at the big annual meeting.

So will be discussing it tomorrow but the council has not yet figured out how it's going to get everything it needs to get done at the B meeting next year, but that will be something for us to grapple with over the next few months.

And the main business, you know, after they thank the old, and the retiring chair and other members of the council who are departing, there will be any other business, and, let's see, what's here?

Okay, that's just voting. Then there's going to be the council - it's going to come back together, the new council, with the duly elected and reelected counselors, to vote on chair.

And the situation right now is that there are two candidates, unlike sometimes in the past. The contracted parties house is united behind James Bladel of GoDaddy, both the - on the non-contracted side on the commercial and the non-commercial group is united by Heather Forrest on the first round and we're not quite sure how things are going to play out after that round.

We intend to stick behind Heather until things further develop. And there're some rumors that James may make an offer to be a one-year chair and then to step aside which would leave an opening for the non-contracted side to

have a chair after a year, but you know, it would be nice to have a chair finally from the non-contracted side after all these years and also have a woman chair.

And we're going to stick to our guns at the beginning, but welcome any feedback on that, but we've got two candidates and, at the end of the day, one of them will be the chair and the other one will probably be a Vice Chair for the coming year. Any further thoughts on that, Susan, or Steve, on the election tomorrow?

Susan Kawaguchi: The only question I had is - and I was asked what would happen with the voting scenario if somebody does not win the first round of voting? Then it goes to the leader, whoever got the most votes is on the ballot in the other person is dropped off.

So it's either candidate A or - and none. You really - and I don't know what happens after that. I haven't looked into it that much. So, as the BC, when we vote for candidate A if that was not Heather, which, ten to one, the scenario would be, James would get enough votes but not enough to win the election, but he would be the leader. And so it would be James Bladel and - or none, and who would be vote...

Steve DelBianco: What's your recommendation - you and Phil?

Susan Kawaguchi: I think James would be a fine Chair. I just think it would be a shame that, for all these years, you know, it's been several years since - or I don't even know when that the non-contracted party house has been, you know, had the opportunity to be the Chair and had more representation.

And I'm not sure Heather will take the Vice Chair. That's the feeling - she's saying no Vice Chair for her. I did throw my name in the ring and I would step up to be Vice Chair-- if needed.



Steve DelBianco: We like to be respectful of your recommendations. You're on council every day, and if you to feel that – if it comes down to James and nobody, you could support James, and I, for one, at least would like to support you on that decision.

Phil Corwin: Yes, personally, I could support - I've observed - I've known James for years. I've observed him in Council. And I also think that Jonathan Robinson has set a very good model for how to be a very fair and impartial Chair and mainly make sure the trains run on time and not try to swing the Council one way or the other on issues. So I think - I would have the confidence that James what act in the same way.

Steve DelBianco: So we're clear on that, I guess...

Phil Corwin: And I think we wouldn't want to be on record against him as abstaining, which would be viewed as a negative. It would start the relationship out on a bad foot.

Steve DelBianco: Great. So it sounds like we stick with Heather as long as she's on the ballot and if she falls from the ballot, James would be better than nobody. And then in Vice Chair, Susan, your name's in the ring. Have you been officially nominated or is it - doesn't work little more behind the scenes than that?

Susan Kawaguchi: (Unintelligible) Vice Chair.

Steve DelBianco: And Phil, are you going to prepare to nominate Susan or to someone else do that?

Phil Corwin: I'd be delighted to nominate Susan. I think she would be an excellent Vice Chair.

((Crosstalk))

Phil Corwin: I proposed to the CSG, but remember, it was all conditional on whether Heather - the strategy about whether it would be good to have - we decided not to go forward at that point, but that was only to the CSG.

Susan Kawaguchi: Okay.

Steve DelBianco: And if any of you attend the meeting tomorrow, it's Wednesday, and which - I don't know which room you're in but it's tomorrow afternoon, the Council meeting. It's at 1:00, and you'll be so confused by about 3:00. Somebody has their speaker on. So at about 3:00, when they get to this administrative section, it will be mayhem, right, because they'll have to decide on - they'll seek the new counselors.

We'll have this election - James against nobody. If Heather decides in the flash of the moment that, yes, I'll be Vice Chair. At that point, Susan would potentially defer, is that right?

Susan Kawaguchi: Definitely.

Steve DelBianco: Right, but if Heather is undecided and won't go in, then Phil will boldly nominate Susan and Susan will give a few remarks on they'll have an election, and hopefully you would prevail.

So I appreciate your willingness to serve as Vice Chair and your willingness to be considerate of our allies often in the intellectual property constituency. So I think you guys have a great plan for tomorrow's vote. But the best laid plans usually, include in Council. I'm serious. It's pretty crazy, so be careful.

Phil Corwin: We'll wing it as best we can. I think - I believe we are done discussing Council, so we're back to the agenda. I think the next item is discussing CCWG and accountability. Is that correct?

Steve DelBianco: No, it's the Policy Calendar.

((Crosstalk))

Phil Corwin: Oh, the Policy Calendar.

Steve DelBianco: All right, folks, so the policy calendar, the same document we've been going through the circulated just before every time we have a BC meeting. For those of you who are new or are considering joining the BC, this is how we organize our work.

Every two weeks, when we get on the phone, and in between, as we work through the items that are on our calendar, we in the prioritizing things based on opportunities or threats that face us in our policy priorities, and then often shows up in the way of filing public comments.

So we usually start by recapping comments that we found recently. There's only been one comment since we last met which was on October 22nd. We supported the release of geographical names in some new gTLD registry agreements.

And it's really thanks to Andy Abrams of Google who's been able to put together a template for us will me comment on these things and are template is generally extremely supportive of brands, closed brands, who want to light up geographical names at the second level so that they can be UK.Twitter or USA.Facebook or any kind of a name brand at TLD.

We want to make that flexibility easy. We're a little less flexible with respect to the generic TLDs because we know that we have to respect what the GAC and what governments say about country and territory names and country and territory initials being used at the second level.

So, Andy, thanks again for doing that and, frankly, we're the only ones who did it. So this was an entire public comment period and the only filing was the

BC. So ICANN staff went to the work of analyzing all the public comments and we were the only one in it.

I've hyperlinked it. It's in the ICANN's comments summary. So one would think that if the BC represents the voice of the global Internet community that our advice offered by Andy Abrams would constitute a new policy.

And it's not that simple, but we've been consistent on this and I think it's going to pay off. We're consistent. It's a simple and it's a clean comment it makes a huge differentiator between dot brands and other forms of TLDs when it comes to flexibility at the second level. Think again for help on that, Andy.

Let me switch down to what's called the public comment page, so on ICANN's public comment page, and I have a link to it there, the first line, there're a lot of different public comment and we go through and pick the ones that are most relevant to the BC.

And I arranged them here in date order so that we can get - mostly to get volunteers in the BC can help draft comments based on things we said in the past and to organize and circulate those comments for review by BC members.

We don't usually use her phone calls or meetings like this to walk through page by page of, you know, and eight or ten page comment. It's complete chaos and we never get to the rest of our agenda.

So we do all that the email between meetings. I did want to bring your attention to a few of them, though, with a draft are coming up too soon and they've been attached.

The first one on there is the preliminary issues report for the procedures we need for the next round of gTLDs. It's item one on the calendar. So if you click on the link next to one, it would take you right to the ICANN Website.

But if you look at the email I sent you last night, has a draft on there, a draft comment for the BC, and this is due on 30th of October, and the BC usually takes about 14 days to review comments.

So this review has been circulating for four days. We'll have another ten days to finalize it. But at this point, Susan drafted the original points. Andy Abrams and Steve Coates both provided some edits and so did Tim Cheng. But this is an eight-page comment where we need to dive into there and understand whether we have identified enough of the issues.

Currently, the draft that our four colleagues have put together has only one item in there that wasn't reflected. It's the add at the end of the page, right, additional items because you have a lot of clarifications and read text on the comments, and appreciate that.

But this was a chance to see if there are other issues that we consider to be important in the next round, and to get them on the table now. So important, they're going to be many opportunities to get them on the table and the other reviews, but this train will be leaving the station soon as it gets turned over to Council.

So are there any other volunteers who can commit in the next two days to review the draft I attached and try to provide some comments back? And I want to look at the same people all the time. Ah, Kat, that's wonderful.

Kat, it's attachment number one on the email I sent last night. You've got that. If you're able to open that, look at it, turn track changes on, and it would be so much better to add in the text comments that you have.

If you actually just bubble a comment, it doesn't show up in everybody's browser the - everybody's word processor the same way, and if you have questions you're better off directing them right back to the authors to get the questions answered because at this stage, we're only ten days away from the due date. So rather than open new issues, we want to zero in and finish this off. And the other volunteers other than Kat?

Susan Kawaguchi: One quick comment, on the report, if you haven't read it, I really felt like they did a pretty comprehensive review of the issues. And the only ones I pulled out in the bullet points were the ones that they weren't sure on or they disagreed. Otherwise, there was - they covered a lot.

Steve DelBianco: And the, "they," it was Brett Fausett's group, right?

Susan Kawaguchi: Right.

Steve DelBianco: So it might not be a bad idea to show him a little love and Council tomorrow. We're in the middle of submitting reports but we're pretty appreciative of a comprehensive job that his group did. Thank you.

And number two on here is a report on the affirmation of commitments, which I've abbreviated as AOC. There's a review required by the AOC, a review of whether the expansion of the new gTLDs actually improved consumer trust, consumer choice and competition, as well as a review of the evaluation and application process.

That review will probably start in January, and when it starts, it will be loaded up with a whole set of metrics - metrics and baselines and definitions for what consumer trust, competition and consumer choice mean.

So this first phase one study closes the 7th of November, which is 17 days away, and thankfully, Chris Wilson and Cecilia has volunteered to draft the BC comments, so with a 14 day review, we technically should have that

circulated in the BC in the next four days or so. Anything you would like to tell us about what you discovered when you dove into that report and where we should go next?

Chris Wilson: Thanks, Steve, so couple just quick takeaways. First of all, the report is quite preliminary nature for understandable reasons because we're still in the sort of early days, if you will, of the gTLD program. Couple things - one, the (public's primarily prices), there is a review of - in terms of prices versus legacy TLDs, gTLDs and wholesale and retail.

Average retail price for retail price for legacy TLDs is higher than the average retail price currently of TLDs, in part, I think in the report gets to this - is obviously legacy had price caps so there is an opportunity to make markup higher in light of that, and not applicable to the gTLD space - new gTLD space.

And also looking at whether there's any sort of substitution effect the legacy TLDs and ones with regard to the rollout of the gTLDs, and the report, the luminary finds, there really was - the growth rate of legacy TLDs really didn't change for the it all even in the wake of the introduction of GTLDs indicating maybe there is not as much of the substitution effect at work there.

A variety of caveats in the report, obviously they're, in part, relied upon information given to them by registrars and others in public - rely heavily on publicly available information, but I think it's a good starting point to give us some baseline understanding of what's going on.

For those that are interested, the dot sucks gTLD was not factored into the report and then, as far as pricing and so forth is concerned, so just letting you all know that for better or worse, it wasn't included but we'll, you know, especially as other...

Cecilia Smith: Just a couple of points - yesterday when I attended the session on this, I wasn't quite clear whether they included sunrise pricing in some - in the evaluation which I think is a huge factor for us. And also, I don't know that included free registration, so I don't know how that swayed some of the metrics that they had.

Steve DelBianco: Cecilia, well we're here this week, reject the staff and try to get those questions answered. I don't think we're going to want to wait until November 8th to ask those questions when we submit it.

Cecilia Smith: There's another session tomorrow morning at 8:30, so I'll be in that. And then one other thing that was sort of odd at yesterday's session was, one of the review teams said that they decided it was better to do a self-review instead of using an outside third party. Yes, so it was just - it was a consistent but it was just worth looking at, so.

Chris Wilson: So will certainly abide by the comment - the four day deadline, so we'll get that out to everyone for review toute de suite.

Steve DelBianco: And to make it easy, I can give you links to the previous BC comments on this subject matter. We were very active on that review - on that team that came up with the metrics. And then I can work with you since I think this is the first one you'll be drafting - I can work with you on the templates and how looks and circulating it to the BC sometime so we - the 14 day review period.

Any other questions for Chris or Cecilia? And the other volunteers that might help on this initial draft? All right, great. Thanks, Chris and Cecilia. Number three on here is a discussion paper on what to do with new gTLD auction proceeds.

And so Angie Graves and Phil Corwin drafted an initial one. It was the second attachment to the document I sent last night, and this is due 8th of November.



So is there anything, Phil and Angie -- Angie's in the room -- you want to comment on that right now?

Phil Corwin: Well, I would say, one, I want to thank Aparna for her suggested edits in some questions she raised that we're going to focus on next week once we get out of Dublin and get back to the real world such as it is.

But we welcome other comments. This is about - this is not about how to use the \$58 million and counting in the last resort option proceeds. This is about creating a process for setting out - for developing procedures and principles for deciding on how those funds to the allocated.

And in the draft that Angie and I prepared, one of the biggest issues, and we'd, you know, welcome your input as we finalize the letter, is whether the funds are going to be - the \$58 million is going to be kind of dispersed in one massive round, one single round, where it goes to a lot of different projects and you get to see later on whether it was a good or a bad use of the money, or whether it's going to be used to create some kind of an endowment fund for successive rounds of smaller annual disbursements.

But we're going to have a learning process and see what can be done, and we did hear a suggestion - there was a rather robust discussion in Council over the weekend of this, and at least one party suggested that maybe the best thing for ICANN to do is not to create its own process but is to pick out some existing public interest group, be it the Internet Society, or somebody else with consistent interest and views to administer the dispersal of funds.

I don't know what the right answer is but, again, it's on - we had - there's \$58 million there now. There may be more before the first round is over, if there are other last resort auctions, and it's about designing principles and procedures for evaluating projects.

This paper - this comment is not to propose specific uses of the funds at this time. And the final thing is that we don't know - the board has really said whether they're going to respect the community's input on this or whether, in the end, they're going to make their own decision on what to do. So - but we're hoping if there's enough consensus within a community about certain principles that they will respect that.

Steve DelBianco: Angie and Aparna, anything you want to add to this?

Aparna Sridhar: ...it's a point that Phil originally made, and that's that in the decision-making process we commented that we thought that the board should have weight to the rest of the community. Thanks.

Steve DelBianco: Angie, Aparna, Phil, thank you very much. This one is due 8 November, so it has been already circulated. You've got it in your inboxes. This is the time to open that up and read it, when you're flying back, wherever you're headed after the ICANN meeting is fine, so we can get that discussion closed up. Okay? Thank you.

The fourth one on here is an implementation advisory group who's is doing an initial report on revisions for procedures and how you reconcile the fact that a country, say Ireland, has really strong privacy protections and they've already, made, like I said illegal to display WHOIS information on Irish citizens.

I mean, things like that happen all the time and that I can they spend a lot of time reconciling between the privacy concerns and the need for some to know, well, who's running this website? You have a concern over illegal activity.

You have a concern over cybersquatting. And you know who they are? And the use of WHOIS could violate privacy sensitivities in certain regimes. So this is a more general report on revisions to the procedure that ICANN uses

when there's a conflict between WHOIS's contractual requirements and the privacy law that affects the registrar, the registry or even the registrant, okay?

I need volunteers would be interested to work on this? Comments close 17th November, so you wouldn't even have to get to this until you go back. Cheryl?

Cheryl Langdon-Orr: I'd be happy to work on it and also, Ellen Blackler is not here. She's at the (Whisis) but she has also said that to work on this, so.

Steve DelBianco: Thank you, Cheryl and Ellen. So we wouldn't have to circulate that until the first week in November and I can work with you to get a draft pulled together. Thanks again.

Next one is item five. It's the preliminary issues report. I'll just scroll down here on the policy calendar. There are only two quick ones left. It's a preliminary issues report to set up policy development process on taking a look at all of the rights protection mechanisms in all gTLDs, both legacy and new.

I mean, this is a monstrous study. And this was requested four years ago to begin 18 months after the new gTLD program closed. In many respects, it was part of a big compromise, and instead of reviewing the UDRP - uniform domain name dispute resolution process - we punted all that into - after the ground, because to open up UDRP when we were about to roll out new gTLDs would have been incredibly confusing.

So it's all been glommed into one mother of all reviews and...

Steve DelBianco: Introductions. I know that Phil Corwin, our acting Chair - I'm frightened at the scope of it and you heard Phil Corwin describe it to the ICANN board just a few hours ago when we met talking about this is going to be one of the reviews that's going to generate a large amount of workflow and it has

implications. There's a session on this tomorrow at 10:45 in the morning and I have a link to it in the item that's the hyperlink.

At this point we don't have to discuss what's in the report. Phil already covered the implications. What we need are volunteers and it shouldn't be the same old folks, right?

We need volunteers who will be able to work on this particular issues report and help the BC to draft a comment as to how to improve the preliminary issues report. If we have concerns, this is the time to raise them. You can't wait until the report's been done and then raise a concern that's brand new. It'll never get addressed. So this is the early stages. Phil?

Phil Corwin: Yes well number one, I want to say I'm going to volunteer to be one of the people involved with doing this but this preliminary issues report - it's not that daunting to get through. It's 37 pages which is - which is slim compared to a lot of what we get from staff but a couple of things I want to say about it.

One, it's divided into issues that would arise in reviewing the RPM's for the new TLD program which is the URS trademark clearinghouse, claims notice and sunrise procedures and each of which they've listed about a dozen issues for each and then there's a catch all session at the end for other things and of course staff hasn't necessarily raised all of the potential questions.

So we need - we need BC people to at least look at this and feed into those of us who are going to write the preliminary draft on what - have they caught everything and or are there things here that we want included or, you know, in a PDP that we want raised on the final issues report because that would be the basis for launching a PDP and setting up a working group.

Second, I just wanted to make one comment. I think you're all aware that last Tuesday, a week ago tomorrow, that the BC filed a request for reconsideration on the--

Steve DelBianco: (Unintelligible).

Phil Corwin: Well I just wanted to - it relates to this in that for the new TLD staff identified two overarching issues - one of which is the efficacy of the RPM's which is, you know, have they been working effectively. The other is whether they - the new RPM's to the extent are effaceable to Legacy TLD's and they specifically highlight URS should become consensus policy for all TLD's which is a huge issue and that's the issue we raised in that reconsideration report that that was a big policy issue and it wasn't appropriate for staff to make that decision so we'll see what happens there.

The other thing we want feedback on because I asked for consideration is whether the new - the RPM review for new TLD's which is addressed in this and whether this should be modified in a way should be combined with the UDRP report. The UDRP is the oldest consensus policy in the world of ICANN and it's the only one that's never undergone a review since its creation.

And the thought - back in 2011 there was some discussion of launching a review then and that was the decision made by Council. Now let's see, you know, let's wait and see how the new RPM's work and then consider UDRP reform with that experience in considering whether to mesh it all together.

So the big question - and I don't expect any answers now - is should there be one - one mega PDP on revisions of the RPM's for new TLD's both to apply to existing ones and for second round. Should that go on its own and a separate one on UDRP or should we take a holistic approach and mix them together which would give you a more comprehensive look at all of it but would also complicate the challenge of getting it all done because we can expect that there will be some controversial issues in UDRP reform.

Steve Coates: Yes - Steve from Twitter - I think bifurcating that's the way to go. If we just combine everything in one big PDP, that's just going to delay things for I would say a pretty significant amount of time and that shouldn't hold up additional rounds of new GTLD's.

Steve DelBianco: Steve I'll also take your putting your hand up as you could maybe volunteer to work on that one as well.

Steve Coates: I have - I have eight writing commitments next month so I need some - I would be really happy to do that but I'd need some hands on with me.

Steve DelBianco: How many folks in this room have ever used a UDRP in your businesses or been the subject of a domain dispute? Wait a minute. There's quite a bit. So those hands need to stay up. You need to be working on this project. This is not that hard to read a report and, you know, it can be your first meeting and it's fine. You can read the report and come up with a handful of comments on it. You'll have a lot of guys to help you. So with all these people in the room, let's have two more that will help Phil Corwin on this.

I see Kat, Mahmoud - Kat, Mahmoud - I don't want to miss any hands - Chris Wilson. Oh, fantastic. And Jay Hoffman - no - Chapman - Jay Chapman - Jay Chapman with a new member of the BC. That's fantastic. I appreciate that. I've got all your names written down. I'll follow up with an email pointing you to previous comments that we've made on things like this so that you guys can get together but ordinarily what would happen is Kat Mahmoud Chris Jay and Phil, you guys will organize a phone call on your own, talk it over, divide the work and come up with a draft and I'll help with all the formatting and background.

Phil Corwin: Yes and I just want to - one last word. Our task at this point is not that daunting. We - at this point we're not trying to come up with answers to each and every issue that's been raised. It's basically we want to give input on

have they raised all the issues that a PDP should look at or have they missed important things that we would like to see addressed in a PDP.

And then the second question is should the review of the new TLD RPM's be combined with the UDRP review or should they go on separate and perhaps parallel tracks but understanding that one may get finished ahead of the other.

Steve DelBianco: Thanks everyone. The final item on here was a new GTLD program implementation review and there's a draft that went out. Comments don't close until the 7th of December but before you just put that out of mind, we had the good fortune last night of getting a volunteer already who's willing to work on that and Andrew Harris of Amazon - I'll give you a moment or two. Tell us what you think that's going to look like.

Andrew Harris: At this point I don't have much to say. My colleagues have looked at the long report and, you know, there were some concerns I think about how staff was defining lessons learned and what sort of made it in and what didn't. So it made us think that we need to look really closely and so would love to have anybody helping out if you are interested.

Steve DelBianco: Any other names we can catch here at this meeting who want to help Andrew with this? Alright well at next BC call I guess if we do them every two weeks we'll be bringing this up again as that date December the 7th starts to close in on us. Andrew thank you for doing that.

So that's it for the current round of open public comments. I only had one more item on the policy session and it's next on the screen in front of you. It's a reconsideration request. This is the second or third one that the BC has ever filed.

A reconsideration request is when you go to the board and say look, the decision you just made - because you have to do it within 15 days of the

decision - this decision you made doesn't seem right not on substantive ground but we don't think you really honored the bylaws. We don't think you honored the process in making the decision you made and every once in a while the board will look at a reconsideration request and reexamine their decision but it's pretty rare.

Nonetheless the BC had already done the work on this thanks to the leadership of Phil Corwin and early in the summer we had filed a comment - and I have hyperlinks to all of them right there - we had filed a comment on the renewal of Legacy TLD.travel. There was another Legacy TLD in July - dot cat - and another one - dot pro.

These were being renewed and when they were renewed, ICANN's global domain division handed them the new registry contract that's being used by all the new applicants and that makes a lot of sense to standardize contracts but by standardizing it, it included something that had never been through a bottom up policy development process. So I'm speaking of the uniform rapid suspension or URS and Phil covered it earlier because it was dovetailed with the review of RPM's.

But given that the BC had commented twice on the principle, we might even love the URS. We just are noting the fact that it had never been through a bottom-up process so it seemed inappropriate and in fact a violation of ICANN's bylaws to jam it onto a contract where it hadn't yet been through a bottom-up process.

So we filed a reconsideration request on the 13th of October and we did so in conjunction with the noncommercial stakeholders group so it's the other half of the non-contracted party's house inside of GNSO.

A board member told me - told all of us on Sunday morning that they hadn't yet read it. They're all awfully busy preparing for this meeting but the board will have 30 days to take a look at our request to reconsider with the logic that



Phil drafted based on our previous comments and the board will get back to us but don't hold your breath for the board to reverse itself. It's not going to happen. Phil?

Phil Corwin: Yes, let me say three quick things about this. One, we were approached by Ed Morris of the noncommercial stakeholder group about filing a joint request for reconsideration. I think it's great. I think that and the fact that we're getting behind this - probably getting behind this motion of (Ivory) it's good to have some cooperative relations with them because there's been a strange relationship in the past and I think, you know, we're not going to agree with everything all the time but I think it's helping rebuild relationships.

Second I did on the subject particularly in the wake of this preliminary report - issue report which identified one of the two overarching issues for the RPM review is whether things like the URS should become consensus policy. I engaged in a polite dialogue with (Akra Matella) during the Council meeting on Sunday asking whether the Global Domains Division in light of that issues report plan to keep proposing the inclusion of the URS and other Legacy - new TL RPM's for Legacy contracts. He said they did. They still believe they should be consistent.

And then I asked him well what happens if a registry operator says thanks but no thanks, we don't want those until they become consensus policy and his answer was well they have a right of renewal and we can't force them to take it. It's a little more sophisticated in that in the real world because most of these legacy operators want significant changes in their contract and GDD staff can say if you want those improvements that let you be more viable, we want this, Phil.

And the last thing I'd say about the reconsideration - request for reconsideration process - this is the first of these I've ever - I did most of the drafting on this. It was reviewed by a few people. It's not really in work stream two of accountability. We need to revise the reconsideration process because

when you actually read the standards, you must show standing. You must show material harm and you must show that there's new material - the real hurdle is you must show there's new material information that wasn't available to the board when it made its decision and that was the real tough one.

And the rationale I came up with that I think hopefully passed the laugh test is that one, that they really didn't look at the actual evidence of the negotiating process between GDD and these three operators and deciding whether there really had been an even handed negotiation process rather than an involuntary adoption which the boards say would not be permissible in the decision that they rendered and we also noted the existence of the new - the preliminary policy report which identified this as one of two overarching issues for the community to decide I don't know whether I hold very slim hopes or very versatile.

I don't know whether we'll get a substantive decision of the board or whether they'll diverse on - just dismiss on some procedural grounds but when you really try to use the current reconsideration process, it's extremely difficult to even pass the procedure or it's basically built so they can summarily dismiss your requests without ever reaching the merits in most cases and I think that needs to be fixed down the line in work stream too. Thank you.

Steve DelBianco: Jay?

Jay Chapman: This is Jay Chapman. So I'm just curious what the reconsideration request fails. Is that the end and...

Phil Corwin: Yes, that is the end. I mean the only thing - what's actually the issue here is the board's approval of the three registry contracts - cat, pro and travel - with the new TLD RPM's in the contract, particularly the URS. So it doesn't set a precedent for any other registry. It's just whether or not they made the right decision in regard to those three registry contracts.

Steve DelBianco: Alright, great. We're well ahead of schedule. That's a good thing and that's it for the policy calendar portion. The agenda itself did - was this the point we were going to move to CCWG? I can't touch my screen or it'll mess everybody up in Adobe. So bring up - you can put it up or just simply look at it. What was next after policy?

Phil Corwin: We're in CCWG.

Chantelle Doerksen: Let me bring it up.

Phil Corwin: Yes, she'll bring it up.

Steve DelBianco: Every time I get anywhere near my computer, it jumps around because I'm in the Adobe control right now.

Chantelle Doerksen: CCWG was next.

Steve DelBianco: Okay, great so we can probably handle this quickly and afterwards Chris Chaplow's going to talk a little bit about country and territory names and three letter names in the next round. Okay, Chris- you'll be ready for that.

So this morning how many of you were in the CSG discussion this morning? Nine. Okay, that's most. So it would be cruel punishment for me to drag you through an entire discussion of the CCWG for accountability. So how many in the room don't even know - be brave - now how many don't even know what CCWG accountability is all about?

Well that's fantastic so I probably could just questions as well as ask the BC what you think about a couple of key decisions that we need to make. I've already been pretty thorough at covering the different steps that the BC had done in public comments and how to address them but what's really new?

What's really new this weekend - these last three or four days - is that we've tried to revise the way the community would come together and make a decision on how to exercise a power and we've discovered that the enforcement step - the top of that latter - is going to be very difficult politically to win what we wanted which was legally enforceable powers of a membership organization which is the way California allows nonprofit public benefit corporations to be organized.

Instead due to significant resistance from the board and yesterday from the ALAC - the At Large Advisory Committee - it looks as if we are centering on one step of the less enforceability in the courts. It's called the designator model. we can describe it a little bit more but the idea is that we lose a few elements of court enforceability on the top step of the escalation process and presumably what we gain for it is we gain consensus to get this done as part of the pressure to do the transition sooner than letting it slip into the next administration in Washington, DC.

That's mostly what the time pressure is but there's an additional pressure from the non-US governments who have long wanted the US to relinquish the last remaining tether of control over ICANN which is this IANA contract and any affect to delay it as we seek the perfect enforceability is not well received by the United Nations and the countries that are anxious to see that end so we have a lot of pressures to make this happen. It's not just US political pressure. It's a lot of timing pressure from governments around the world.

To that end it would be my view that I think we could get comfortable with the enforceability of designator and the enforceability of designator is that the courts will back us on one key power and that is to remove a board member or spill the board of directors in total. So we've got bylaws proposals to be able to do that and that becomes our leverage point. It's not easy to exercise that leverage point.

We were suggesting here it would take four of the seven AC's and SO's to agree to spill the entire board but if we made that agreement, it would happen like a heartbeat because we've have a legally enforceable right to make it happen.

So I have two questions for all of you to help me with today and I have to take it back to the CCWG. We have working sessions tomorrow and Thursday and the first would be can we settle for the designator enforceability. I'm happy to take questions on that.

And the other question is that when we settle on that and write it all up, do we have to go out for public comment again or can we submit the final third draft report - all 200 pages - to the chartering organizations - one of which is the GNSO that we're part of. So I'm happy to take a queue on that.

You can use the Adobe to put your hand up or raise your hand in the room and I'll write down - I'll have Chantelle right the names down in the order of the people who put them up. I think Andy Abrams was first.

Andy Abrams: Thanks. Just a little bit of a clarifying question. The designator model - I'd like to understand a little bit better. I've heard it now in both English and French but it's still a little opaque for me. And then the second question was actually about if the board is spilled - if that's one of our potential hammers - what happens then? Is there something that the group has already thought of for, you know, if you empty the board, is there an interim board or an acting board or how would that work?

Steve DelBianco: Yes, the BC was active about that on the first round of public comments in May and we said they needed to have an ability that if we spilled the board, there would be a written procedure to put an interim board in place while we - various AC's and SO's elected new board members in the nom com. So it was the BC's comments among others that made their way in so there is an interim board procedure in the 200-page report we published on August the

3rd. So it's there, but I don't think you actually want me to describe that whole thing to you now, do you?

Andy Abrams: (Unintelligible).

Steve DelBianco: Okay and so that's the August 3rd document as well. Chantelle who's next in the queue? Kat.

Kay McGowan: This is Kat. So being relatively new, I have a question for you. How likely is it that we could get four of the seven to actually agree on something? Is it something that could actually happen if there was a big issue or is it - so just basically how realistic is that?

Steve DelBianco: Alright Kat and it's a great question and it's one of the reasons we picked four as the most we'd ever get because there's a total of seven advisory committees and stakeholder supporting organizations or ACSO's. There's seven.

So there's the GNSO and the CCNSO and then one cares like crazy about the GTLD space and the other doesn't care at all - doesn't follow the policies that we produce there anyway. There's the ALAC - the At Large Advisory Committee - who's generally pretty well aligned with the business constituency because the BC includes business users and registrants and business users are among the at large so we're ordinarily very close to ALAC.

Another advisory committee would be the root server advisory committee and they're really only concerned with the root and have never been concerned of what happens at the registry levels - the TLD level. The Security and Stability Advisory Committee or SSAC - we work closely with them on issues like name collisions in the last round. And we're generally 100% aligned on the issues that they bring up but they rarely pay any - much attention at all to the issues that we bring up since they don't involve security stability.

And both the SSAC and the RSAC are approved by the ICANN board of directors. So those are two groups whose members arise from their technical communities in a slate that's handed to the board and the board approves them. The board doesn't appoint some and not others so they're not handpicked by the board of directors and I don't mean to imply for a minute that they're creatures of the board but they're approved by the board.

So the likelihood of them jumping onto the exercise of the community power to spill the board slim to none and slim's already on the bus. So I think we are left with five to go after and ASO is the address supporting organization. That's the numbers part of the IANA functions and again they're unlikely to care and more than likely would sit it out unless they were convinced that it was some egregious offense to the global internet community and the board was headed down the wrong path and we needed to spill them.

It's rather challenging to pull together four votes out of those seven given that you can't mandate people participating and over the weekend I led a group that came up with this consensus process because our first and second draft said it would all be done through voting and we had too many public comments suggesting the voting wasn't the way to do it. So this is something closer to consensus where you measure consensus by saying we have strong support in the absence of strong objections.

This is all gobbledy gook that the CCNSO uses and we didn't want to allow a single ACSO to kill in power. So that was one of the principles so that none of the seven powers can be killed by a single group vetoing it. It takes at least two to veto it but it takes three in some of the powers - in four of them - and it takes four on the trickier powers - four of the seven.

So that's the answer that it's going to be difficult and what the board is doing will have to have a broadly felt affect for ALAC, CCNSO, GNSO and one other to get onboard so the idea is that we'll have a whole process of

escalation so that if there's a problem, the board has approved something well outside the scope. It's not listening to the community. It's approved a budgetary item for experiments in global outreach that has nothing to do with the DNS or it's trying to add new fees to registrations.

Whatever it is the boards come up with we'll have so many opportunities in this multistep process to voice our concerns through public comments, through meetings and consultations that one hopes we never have to use the enforcer mechanism but when it comes time to use it and you ask the killer a question - will we be able to get to four AC's and SO's, right? In that case it's all going to depend on has the board simply been defiant? Is the board ignoring the community's concerns or is the board just having a misinterpretation of what their fiduciary duty to the corporation is and if it comes down to that, it's going to take a lot of discussion amongst the community to see if we can muster the support it takes.

So the seventh of the seven is the one I haven't mentioned to you yet. It's the GAC - the Governmental Advisory Committee - and the BC is - from time to time they're well aligned with the GAC and there have been other issues where we weren't aligned with them at all and Andrew knows what I'm talking about. But it's so hard for the GAC to make a decision since they require - under today's rules they require a consensus rule that says the absence of a single objection.

So it's only those instances and the GAC tends not to make decisions very well unless they're in a room as opposed to on a phone or on email. So the GAC might be the wildcard because they could end up being number four on something like spill the board.

I'm sorry. That's not even fair. Chantelle doesn't know anybody.

Chantelle Doerksen: Andrew Harris.



Andrew Harris: Thanks. Andrew Harris. So in thinking about the options between the designator and member model, you know, it's been explained that with the designator you take the seven powers that the community wanted and you use that ability for binding arbitration or the ability to go to court. It's been explained that for those seven except for spilling the board, you would have to rely on the indirect enforcement, which is spilling the board. But when I look at the memos, it's not true that all seven or the other six are just thrown out - you lose it.

That actually for vetoing bylaw changes that you can seek binding arbitration and you can go to court. And so that ultimate enforcement that's shown up there does exist for spilling the board and for bylaw changes - vetoing bylaw changes. But the last few times I've heard it described in various places, that seems to be glossed over. People just say you lose the ability to go to court for all of them and I'm curious why people aren't mentioning that for vetoing bylaw changes you actually do still have that.

Steve DelBianco: I'll bet you're really not curious. I'll bet you know why because if somebody feels as if we're - we should stick with membership - I mean we have pretty good support for membership in the second public comment. The board has said they won't accept it so why are we backing down? So anybody who feels that way maybe for really good reasons or political reasons is going to make the argument that why would we go to designator when you give up all these powers? So they're glossing over exactly what Andrew's talking about so that's rhetoric more than reality.

They'll gloss over the fact the designator does give you enforceable court powers bylaws items. It doesn't give you statutory powers on budget but it does on bylaws and it does on spilling the board or getting rid of a single board member. And then Andrew brought a power called an independent review process that's binding so that's the step you see near the top of the ladder that says IRP on it.

So the first step in that is you go to the board and you say I want to enter an independent review process but the board has to agree Andrew to be bound by it and if the board says you know what, we think it's against our fiduciary duty to the corporation so we're not going to sign to be bound by the IRP. So how do you force them to be bound by the IRP? That's something we're struggling with right now. We can write a bylaw that says they have to be bound by the IRP and if they violate that bylaw, we have an opportunity to seek an independent review decision.

If the IRP decision comes back, it's supposed to be a binding decision and you should be able to enforce that in any court that recognizes international arbitration results under either model so it turns out you get all the way to the blue enforcement step in exactly the same way whether you're a member or a designator.

The only time you ever check and say wait a minute, my member does - the only time you have to check the label is when things are a mess. We've gone all the way through IRP and the board - you see the little X's on the diagram? The board has ignored the resolution of the community, ignored what the bylaws said they had to do. They've ignored the IRP and then and only then do we have to resort to enforcement and for four of the seven powers that would mean spilling the board either one, a few if we knew where the votes were or all of the board.

And so that's a power that's rather easy to execute provided you get the four out of seven. It can happen in a day or two. It's easy to execute and a lot easier than going to court for a year and exercising your statutory rights. So to Andrew's point that was brought up yesterday afternoon is that it can take as long as several months to a year to exercise your statutory rights to force the board to block a bylaw because you had a statutory right.

It's going to be a little bit well quicker probably to spill the board if really all we have is a difference with the board. There's been plenty of times we've had

differences with the board where the power to spill the board might have been - might have been instructive. Do you have any suggestions as to how do we solve that tradeoff? Do you find designator to be acceptable for instance?

Andrew Harris: So given that especially the bylaw changes - veto of bylaw changes have the binding enforceability - if the group comes to a big consensus then I - we'll be able to support it but we need to see the bottom-up group make that decision and not the ICANN board make that decision.

Steve DelBianco: Yes.

Jimson Olufuye: Thank you Steve. Just coming out of the meeting with the board with respect to our position on inter-sessional. Is that something we could discuss right here now and what is ALAC's position on this following the board acceptance of the designator model?

Steve DelBianco: The inter-sessional point I think I didn't understand so I'll go to the second question and let you correct me on the first one. The second question was the ALAC - the At Large Advisory Committee. As much as nine months ago they were preferring a designator model over a membership model because they felt it was less changed - less complexity - because our attorneys all along have said that when you really look at the way ICANN works today, it is a designator today. It just doesn't have any legal powers as a designator because those have been stripped away.

We're looking to turn them back on to reactivate the gene. So the ALAC yesterday said we no longer support the membership model because they would prefer designator and say that they have all along. That's what they did. So ask me again about the inter-sessional part. I didn't understand that.

Jimson Olufuye: Yes, like Chris did say, you know, did mention that the suggestion about having an inter-sessional for accountability to resolve a number of issues. So

we couldn't get Phil back to him so we said at our meeting today we're going to discuss it so that's what I'm just making reference to.

Steve DelBianco: Thank you Jimson. That was the second question I posed to this group is do we feel like we need to go out for public comment again basically. I think that is what Chris is most interested in. we were already planning to have another inter-sessional for the CCWG because we have a lot of work to finish but what Chris is asking is do we need to put this draft number three which would include flushing out the descriptions here, incorporating all of the public comments from the second round and re-describing the designator.

And I wish it was as easy as running through the report and changing all of the word member to designator, right - sole member to sole designator - but it is more than that. And so is that different enough that it deserves another round of public comment or is it close enough that we can take this, call it our final draft and send it over to each of the chartering organizations?

Earlier I said there were seven AC's and SO's but only five of the seven are chartering organizations for the cross community working group, okay. So the idea would be to go back to them and give them the chance to endorse or not endorse the final report and if they endorse or not endorse, they're allowed to add well we like this and we don't like that.

So I have no illusions that the next chartering - the next step is going to generate more comments that may require some revisions in the final, final draft. So Chris is asking whether we believe it needs another round of public comment and so that is one of the questions I'd love people to respond to as well. You're managing the queue.

Chantelle Doerksen: Sure. Phil is next, Chris and then Patrick.

Phil Corwin: Yes Steve first I have a question and the escalation chart here shows like for pre-call you need support of two community groups and for next step

community forum you need three then community decision you need four with no more than one opposed or at each of these you need a higher level to - no? Well explain that to me.

Steve DelBianco: We started with two and at all seven community powers require just two AC's and SO's to say I think we need to have a call. And then we went to the end and said which powers should require four and which should require three and we did that and I can tell you which ones they are. And that meant for some of them you can step up from two to three to four and for the others it remains 224.

Phil Corwin: Well let me get to the question I was going to ask. For the IRP which is beyond the resolution dialogue and presumably the dialogue has not resulted in a board decision that some or more than one...

Steve DelBianco: 223 - 223 on IRP. 223 on blocking of bylaws change. That's to the regular. 223 on removing an individual board director.

Phil Corwin: When you say 223, what do you mean?

Steve DelBianco: Two to have a pre-call, two to have a community forum and three to approve it.

Phil Corwin: Right. Do you have to have gone through all of those escalation steps to launch an IRP and to launch an IRP can one group do that or do you need some - a number of groups getting together and saying we think this needs to go to the arbitration process called IRP?

Steve DelBianco: Yes, that's a great question. The reason IRP's near the top is that under designator it's the way in which we would escalate the enforcement one step short of dumping the board but one of the seven powers is itself a community IRP so IRP's already in the bylaws. People have used it already but it's just very expensive and the only party that has standing to bring an IRP under

today's bylaws is the so-called aggrieved party and the standard of an IRP is a little tough to meet right now.

Our proposal for the seventh - sixth community power is to improve the IRP so that it includes a limited mission statement for ICANN, a bottom-up process. It makes the IRP review be on the substantive issue, not just the process and here's the crowning jewel. If the community came together and at least three of the seven wanted to launch a community IRP. ICANN pays the legal fees for our side. That makes it accessible because today you really need seven figures to do an IRP. It's incredibly expensive.

So we've created a brand new power that if the community felt strongly, we would only need three of the AC's and SO's to say they want it and no more than one against it, okay. So Kat to your earlier numbers, we only have to get to three. So GAC, CCNSO and GNSO feel we want the IRP. Maybe the ALAC stands up and says we don't want it then we still do it because one's not enough to block it as long as you've met the threshold of three.

So Phil, I was trying to answer your question probably a little long but the IRP is still one of the standalone powers and it doesn't require any of that. You can launch an IRP starting tomorrow morning if we think that ICANN has taken an action or an inaction that is against the bylaws.

Phil Corwin: But to get into ICANN's deep pocket to fund it, you need at least three of the seven groups to bring it.

Steve DelBianco: You do but you don't have to go up these steps because these steps are only for the other powers that rely on the IRP. It's a little complex.

Phil Corwin: The other question I had was in relation to a question we had on the likelihood that we would get four groups out of seven to spill the board or individual members and you seemed to indicate that would be difficult. That's what really gives the leverage. If the board doesn't take that as a credible

threat, do we really have the leverage to get the board to listen to community if they don't want to?

Steve DelBianco: That'll be a function of whether the rest of the community shares the concern that the board has gone off the rails, they've interpreted their fiduciary duty too narrowly, the corporation's heading in the wrong direction. I mean there's a whole host of considerations. We'll never know until the instance arises and often how upset the community will be is a function of how defiant the board has been.

Let me just call your memory back to last summer. Last summer the IANA transition was full steam ahead and a lot of us kept standing up and saying now wait a minute, before the US lets go of the last tether of accountability, we need an accountability track and we had to make an awful lot of noise to get that. In fact most of the community went to the microphone at the London meeting demanding that the accountability track be recognized.

They still dissed us and it was the last reconsideration request we filed. It was August 2014 - that reconsideration request - and then a lot of us showed up at the Istanbul IGF meeting. The board listened and said okay, timeout. We're going to give you your accountability track. We didn't start until December. This has been less than a year that we've done all the work on this accountability track because ICANN delayed getting it started. Phil?

Phil Corwin: Yes, my last comment on the issue of whether it should be a public comment. This is just a personal comment and obviously as counselors and as, you know, acting Chair will respect the consensus of the BC members. I think if we go with designator it's - number one I think it's significant - the differences in the powers and how they're exercised and all of that are significant enough that it would be appropriate to put out for comment maybe not 40 days but at least 30 days.

I also think it would be beneficial in that I think there's a recognition by the CCWG that for the second round of comment it wasn't explained all that well. It confused a lot of the community and if we can get a really clear explanation of the final proposals, the community really understands it, you know, isn't confused about it and can show demonstrate consensus that we might - whatever we lose in the 30 or 40 days, we'd gain by a clear explanation and a clear demonstration of community consensus behind it which would make it much easier in the end to show us legitimacy and get the votes and support from the chartering organizations.

I recognize the time factor but it looks like we're going to be very, you know, that's going to be a factor anyway.

Steve DelBianco: Thank you. That was an interesting clarification, you know, that if we do a better job explaining the third draft, that should make it possible to do perhaps even a shorter public comment period like 30 days but even after that, you know, we'd then have to do a supplemental draft or a final, final draft and send it to the five chartering organizations who themselves will take a week to a month to come back and approve.

So I wrote that down as we need a clear explanation in the third draft and here's the challenge and none of us on the CCWG team are good writers. A lot of us are engineers, businessmen and we have way too many lawyers and the document ends up being 200 pages long partly because people like Secretary Strickland said I need a lot of detail. I need to really understand what you're doing before I approve it but the more we wrote, I think the harder it was to understand.

So maybe this time around we've asked ICANN to help fund a professional - professional report writer to help put the executive summary in place to help shape the starting of each paragraph or each chapter or each section. I hope that'll help.



Phil Corwin: And I think we're going to - clearly NTIA has indicated they want even more detail in the final proposal which we - but so we need - what this really needs is an executive summary upfront that's really clear and concise.

Steve DelBianco: NTIA wants not just detail but wants us to explain all the things we considered and didn't pick. So we actually have to leave in there why we didn't pick membership, why we didn't pick the board's NEM model. So the reports are going to - the report is going to be longer but hopefully the executive summary will be better and more thorough and we'll be able to park a lot of that detail into the appendices or something. Who do we have on the queue?

Chantelle Doerksen: Next is Chris Wilson and then Kay McGowan.

Chris Wilson: Thanks. First of all I - excuse me. This gives me pains because I know Steve you have to review these comments among others but I do - I sort of - I echo Phil's suggestion. I do think frankly even if they didn't change from a designator to a designator model, I think the fact that Larry and others have asked for more clarity and more detail I think would beg the question that, you know, therefore we need time to review that detail and clarity as well so I think another public comment period.

I think but to your point you raised in the CSG meeting today about, you know, you get commenters that bring in ideas from left field if you will and how do you handle that. I mean I think to a certain extent, you know, we've all drafted comments before and reports before and I think, you know, to a certain extent you say look, we're looking for comments on the substance we have presented right now, you know. We're at that point where new ideas just isn't - we're at a point where this thing is getting - is fairly baked.

And so, you know, the ideas could have been presented over the last six months or nine months or whatever so maybe there's a caveat that's put out there to a certain extent but I think if nothing else, it does inoculate the

process a bit from parties and they feel like they just didn't have full due process if you will or full opportunity to comment.

You know, they'd be coming late to the party for a variety of reasons. So I think - I think even though it does delay things a little bit down the road, I know - I think (Larry)'s also said I think he thinks that they can still accommodate another comment period and get it done within the timeframe stated so I say that.

I also raised the - something that came up yesterday during the working - CCWG working session was the threshold that would be established I guess is still in flux about how many - how much support is needed to spill the board and I think that because I know (Christa Spain) raised the issue and it's getting I think to (Thomas)'s credit or someone's credit - someone raised the fact that, you know, because we're potentially going to a designator model and where spill the board is now elevated to a higher level if you will, it does bring this up for folks to consider because if that - if it makes it harder ultimately to - if you raise the threshold even higher and I know why Chris would want perhaps to raise the threshold even higher.

Then it becomes even more of a stickier wicket as a remedy so it's something that I think that goes hand in hand with whether you accept the designator model to a certain extent as to what that threshold might be for community support for spilling the board. I think it's a key concern and it hasn't been flushed out yet. I think it will be but I'm just raising it for the BC's general point.

Steve DelBianco: That's excellent. It's a point I raised yesterday and when you were there too that if spilling the board ends up being our ultimate accountability measure other than blocking the bylaw, we've got to have the ability to do it with four to support and they've got to have no more than one to object. You heard two or three speakers from the board who stood up and said one ought to be enough to kill a board spill. So I'm with you. I think we ought to hold firm on

that. It should take more than one to stop the exercise of the ultimate community power that we need. Next.

Chantelle Doerksen: Next is Kat.

Kay McGowan: Plus one to what Chris and Phil have said and then I guess related to that, on the flip side if we were to not open it up for public comment and it were to just proceed, what would the potential negative consequences of that be? So for example could people then use that later on to object or to come back and say why didn't you bring this up to us again?

Steve DelBianco: Yes, great question but it's not an easy answer because ultimately the five chartering organizations are the ones who have to say yes or no with an asterisk so we do a public comment period. It isn't directed specifically to the GNSO. You know, it's directed to the planet and so anyone who wants can weigh in and we do get a lot of well, sideways comments. They're not very helpful. They're brand new items. They're items we already hashed over 12 months ago and finished.

So let's suppose that there were people that hadn't commented yet or hadn't got their way yet and if we went from draft three straight into the hands of the GNSO, we'd all still have our third comment. See, we still get another bite because we're GNSO. Is there anybody in the planet who gets no chance to comment if it goes directly to the chartering organization, you know? Literally speaking no because every person on the planet has a place to be in ICANN. If you can't find your place, go to the ALAC, right - the At Large Advisory Committee.

So there's an opportunity for them to make their voice known within a respective AC NSO but that's not going to stop people from complaining. I don't think it generates lawsuits. I don't think it generates an outcry because almost everybody who makes outcry at ICANN is already part of one of the AC's and SO's.

So I was one arguing in the CCWG that perhaps we could just give a nice hefty comment period to the five chartering organizations and let them come back with their comments, their decision as to whether they would approve it - because I'm almost out of time on the agenda.

Chantelle Doerksen: There's someone in the back.

Steve DelBianco: Jay.

Jay Chapman: Yes, Jay Chapman. So what's the - I'm just curious of the background on the practicality of actually getting to the point where the board's what - 15 to 20 people - the practicality of actually having an issue where spilling the entire board is really a viable option. I'm just generally curious about the theory behind that or the idea about - I mean are there issues such that, you know, the entire board might be spilled because everyone in this room probably knows a board member, you know, or has connections and the idea of spilling the entire board versus whatever the option - the alternative is. It just seems to me that that is a pretty high bar.

I'm just curious about from the CCWG's perspective what the - was there discussion around that as the...

Steve DelBianco: Extensive discussion. It's one of the statutory powers in California law for California on for profit public benefit corporation that members or designators which are the two ways that stakeholders can have influence in a nonprofit corporation that they both have the power to spill individual as well as the entire board of directors. That's a statutory power so we considered it from the beginning because it's a power that was deactivated at ICANN when ICANN was created because ICANN would have been a membership organization according to its articles of corporation but they had a bylaw early on - article 17 - that said ICANN shall not be a membership corporation.

See the idea was to make it membership. I run a membership corporation. My members control what I do and it's a different kind of an art. It was a natural place to go. It's the way shareholders often control corporations, the way voters control candidates. We discussed little else for many months and I know you're brand new and I'd be happy to go through that with you.

Jay Chapman: Yes, thank you.

Steve DelBianco: Alright so what I've concluded so far from your comments is that most of you do think we need another public comment period. There's the notion that perhaps it could be shorter if we do a better job writing this time - better executive summary. I sensed from the room that the designator model might work - might work as long as we don't make it impossible to spill the board and we can't make it any harder than the proposal we came up with of four of the seven and at least no more than one can object so it'd have to have two objections. One would not be enough to kill it.

So if that's where we are, it's a preliminary. It's a straw poll. I'll be able to report it in tomorrow to see whether we can move in that direction. The only thing I'd add is that about four weeks ago reading the writing on the wall I - the board had come down and said they don't even want designator. They wouldn't take membership. I proposed something called plan B.

Plan B was this notion that we implement the community powers and the bylaws but we find a way that if it's not working two, three, four years down the road - the board is not listening - that we'd be able to activate that membership gene in the future. It turns out that if we went designator, the power to bring membership on would be available to us so it's sort of having plan B in our pocket.

Let me quickly explain. Let's suppose that the designator model isn't working. We're having multiple confrontations with the board and it is reasonable to

spill the board. Let's just suppose Kat's original prediction comes true - we get three, we get three, we can't get four.

If we could get community consensus to change the bylaws to make it a membership organization, we would have the power to spill the board and elect a board that would accept a move to membership. So it's theoretical. It's incredibly difficult but there is a theoretical path that we could use to achieve the high standard of accountability that has been our actual goal for the last nine months. So we don't have to put that in the bylaws as a new power - this plan B - but plan B would be in our pocket if we had designator.

And I really appreciate all the great feedback that you've given us and it'll help us to do the work over the next several months. I want to turn it back over to the Chair. I think the next up was Chris Chaplow. What is the next up on the agenda?

Chantelle Doerksen: ICANN's use of Country and Territory Names As Top Level Domains.

Steve DelBianco: Chris are you prepared to speak to that?

Chris Chaplow: Yes, thanks Steve and Phil. There is a handout to go round and there are some slides. The other cross community working group on the use of country and territory names - it's quite - it struck me as there have been sort of in the background a little bit - I went to a meeting yesterday and it struck me as quite important and I thought to bring it to the BC's attention.

This is at the stage of a request from the group to the other constituencies so it's not a public comment period. That's why Steve didn't include it before. And the country and territory names working group charged with looking at this issue of what's due in the second round of the new GTLD's with the whole subject of country and territory - country and territory names as reminder, you know, countries and territories - just to clarify countries that have to be in the countries in the United Nations territories - the areas that

are well overseas territories, you know, in the case of UK like Tunnel Islands, Isle of Mann, Gibraltar.

We're not talking here in any form about regions or provinces or subdivisions in countries.

Steve DelBianco: Names of rivers perhaps.

Chris Chaplow: No, the ((laughter)) no. The mandate on this is quite strict. It's only about top level domains. It's not about second level. And as I said, it's only about country and territory names and not about regions, provinces or any of the subdivisions.

And the - if you just advance the slide - actually you can advance the slide twice if you can. The remit is also very close - at the moment we're very closely linked to ISO 31661 which is international standards organization on the list. There are two country code lists. There's the - they call it the alpha two and the alpha three which basically means two letter country codes and three letter country codes and that's just the start of the list.

There is actually 249 codes on that list or 249 countries and territories on that list and then there's another 408 that are currently unassigned. Just to take you back a little bit - as you remember following the introduction of dot com, dot net and dot org (John Parcel) was asked what are we going to do. I don't know. That's history and unfortunately we can't ask John now about what we're going to do about the countries that want it. And he looked at it and he said first of all we're not in the business - if I remember those days - we're not in the business of defining what is a country or a territory but there is this ISO 3166 list.

And he also said - I'm assuming he said well let's use the two letter country codes, not the three letter country codes because that nicely differentiates form the two TLD's - dot com, dot net, dot org at that time. So that's how it

was setup and how we've been accustomed to know the two letter countries and the three letters of our generics.

And then of course it came to the applicant guidebook when we were in the first round and the subject came up. It was quite parliament and the applicant guidebook in the end came up with two things. One was that all the applications should be three or more characters and the applicant guidebook also reserved all the three letter codes that were in the 3166 list.

So that was more or less where we were or where we are now knowing that this was going to be quite a big subject because constituency working group was set up to look at this whole area so that it could take time, look at the process, get community feedback and then recommend and one assumes the final recommendations will then find their way eventually into the next round guidebook.

So to cut to the chase, we're being asked for our opinion on - well actually there's only seven questions but the first four, you know, takes you about 20 reads of the question that I just provided to actually understand what it's saying. But the first four are the key ones and are more easily understood and they are on a spectrum so I'll just outline those first four.

Question one asks our opinion on whether we think all the three letters should be reserved for CCTLD so that's one possible position. Another is to say any three letter that's not on 3166 - that can be available for a GTLD in the next round.

The third position would be any available but with the support an non-objection of the country if it's on the list and third - I'm sorry - the fourth suggestion is unrestricted use as GTLD's of these three letters codes. So that basically is the outline and so the Business Constituency.



There was a request. Actually the deadline has passed and I think it was only the registry or where Afghanistan responded so the deadline's been extended which has given us an opportunity to file. And I don't recall a date. I think this is going to be an email sent around again next week and that will have a date on it so in a few weeks I assume. People have thought to bring it to the meeting now so we've got a chance to - I mean I'm happy to do the - to do the initial draft with anybody else but just wanted a sense from the meeting of what our thoughts were. So theoretical thoughts or really the business constituency position from the business.

Steve DelBianco: My deep dive into the archives of BC policy doesn't reveal a prior position on this one in particular. It's not on the policy calendar because it's not a public comment period. It's a working group who's seeking internal information. We'll have multiple bites at this apple if we don't jump at it right now but I appreciate that you're bringing this to our attention early enough that we can start to formulate a position if you wish - share with us which recommendation you think we should gravitate to and see if there is support for that as a preliminary position.

Chris Chaplow: I gravitate between two as - actually sorry - one and four. In one sense wearing my business hat - my business user's hat - I'm saying that our businesses - our members may want the opportunity to be applicants as brands because in those three letter strings there are a number of business grounds in there. So that's one, yes.

Steve DelBianco: One - you said you gravitate between one and four and that's polar extremes.

Chris Chaplow: They are, they are.

Steve DelBianco: Is that what you're really saying?

Chris Chaplow: Yes. So that's the business hat and the other is to keep them reserved and the least - least worse for me would be the other two. They tend to give them

to the country codes because I like the clear line in the sand. If you like, two letters are country codes and three or more are generics and I don't personally like crossing that line. I like the ordered nature of that.

Steve DelBianco: We can probably take a few on this. What's our timing like on the schedule?

Chantelle Doerksen: We are going to start the BC charter discussion at 3:35 PM until 3:55.

Steve DelBianco: Okay so five more minutes on this. We'll take a queue. I saw Cecilia in there and Steve Coats, Phil and Susan and Andy and we'll never get that done in five minutes so there goes the agenda but that's okay. Go ahead Cecilia.

Cecilia Smith: So mine is quick. We have Dot Fox so this is a problem for us. We spell it F-O-X and in the future we do see that there's value for businesses to have a three letter code. That's a big, big deal and I'm just curious are the countries really looking to go from a two character dot another two character or two character dot three character to super define that that's their country? I just don't understand why they're looking for that. Thank you.

Chris Chaplow: Okay, yes. Just to note on the way, you're able to apply for Dot Fox because it isn't one of the three letter country codes in 3166. There is only one country code in 3166 and that's dot com and I don't think the working group has any thoughts to be retrospective on that one.

But to answer your question, no from what I'm picking up in the working group the GAC members - they want these to be less as for the country code.

Steve DelBianco: Hang on. They want to control it. They didn't say they wanted the...

Chris Chaplow: They want the opportunity.

Steve DelBianco: You see what I'm saying? The governments always want to control it all but they didn't necessarily reveal they have a plan and it would never be all the same. They would do it any way they wanted.

Cecilia Smith: And that's the problem that we have right now.

Steve DelBianco: Next I saw was - let's see - Phil Corwin and then Steve Coates.

Phil Corwin: I have a very quick mathematical observation which is that in regard to number one, when you think about two other CC's - what we have now - there's 26 - there's 26 possible combinations for the first letter and 26 the second. 26 squared is 676 so but that wouldn't work because, you know, a country could have a name where, you know, that starts with F and all the F ones that might relate are already taken but when you get to the third level which is 26 cubed, that's 16,576 possible combinations so I don't see any reason we should be reserving all 16,000 which would be the policy in number one.

So I think we should be looking at other ones but just on a mathematical basis one doesn't make sense to lock up all those very attractive potential three letter TLD's just because we might need a few more for - as new countries arise and old ones depart from the political system.

Steve DelBianco: Steve Coates.

Steve Coates: Number four. In all seriousness on the brand side as well - I mean we all have acronyms as brand names and for us to reserve those names doesn't make sense to me in any way.

Steve DelBianco: Thanks Steve. Susan.

Susan Kawaguchi: Four - I'll be in line with Steve.

Steve DelBianco: Thank you. Why don't we just do a quick straw pull? How many figure four is the best available? That's unanimous. How many think some combination of two and three would fit at all? Maybe. How many like one? Okay so we are really going after four. So if you're comfortable with that Chris you could begin to draft the BC's thoughts on this and the bar here is we can start with something easy like going around the room for enter low in terms of specificity. It's just initial thoughts at the BC at this point. And (Andy Abrahms) is also in queue. Thank you Andy. John Berard.

John Berard: I don't think I'd like to create more unregulated territory. Well the CC's are - there is less I mean if abuse is an interest then the ability to manage and control that abuse is better, is harder to do inside the CC world because there is less control that ICANN has.

And so by creating more space you create the opportunity for more difficulty, more mischief.

Steve DelBianco: That argument will go over real well with the GAC but I'll note that. I think we're done with this item on the agenda. Chris thanks for bringing that to your attention. I'll work with you on that draft.

Steve Coates: I think also the work group is accepting submissions from individual's as well not just organizations. So if any member feels strongly they can - I'll circulate the request later as well to the list.

Phil Corwin: I'll start the next item is the BC charter discussion. I'll start it very briefly and let Andy and others who have been - Andy, Steve, (Kose) and others that have been involved with the discussions.

We're well past the halfway point on BC charter. It's been very slow, methodical review of the existing charter. It's revealed that a great deal of the current charter is either not that well drafted where it's quite ambiguous and confusing and at some points in conflict with other provisions.

And also doesn't really reflect in some places the way the BC actually operates. So we've been taking all that into consideration. We believe we'll have a revised charter for members to review and comment on before the Marrakesh meeting.

So we're closing in on it, we're going to get back up the charter group that meets for an hour once a week. We're going to start calls again the first week of November.

There is one related revision and I'll let maybe Jimson chime on that one which is you're all aware that we've signed an agreement with a law firm in Washington.

One in which I'm actually of counsel but I had nothing to do with the negotiations because Angie Graves knows the firm and they came in with a very low bid to do the work, to set up the entity we need with a tax identification number to facilitate the payment process in which has been a constant problem for BC members.

And they need a one line revision of the charter that sets up a general counsel which they need and gives them some liability protection to set up the EIN that gives them an IRS number that allows them to take payments and the question for the (X) and the (X com) hasn't dealt with the question yet is whether we should make that rifle shot change before we get to the big charter review because that's something we need sooner rather than later.

So I'll stop there and I invite comment from Jimson on the general counsel aspect and invite any comments from others who have been in the working group or who have questions about our work to chime in. So do we have a queue?

I recognize Jimson and if others, just raise your hands.

Jimson Olufuye: Okay, thank you, Phil. As you do know pretty well this has been an issue that has been on for quite a while. How do we respond to member's desire to (transfer) forms readily?

Most of the time you ask for the tax ID and we're unable to provide that and we resolve to ICANN to help out. And they have tried but it is not as smooth as it should be.

So in the finance committee I want to thank Chris Chaplow and Angie. We look at it and we resolved that we needed to reach out and explore the proper legal option.

And so we got two people that showed interest. We acclaimed our desire or requirement. Finally it was Greenberg & Lieberman that responded positively and they give us the basic requirements.

And which the one that is key on this is the need for chapter change and they propose a specific language. Maybe I send that to Chantelle maybe you can project it.

That specific language is expected to be incorporated into our Charter.

Chantelle Doerksen: Which?

Jimson Olufuye: I sent an email to you just now. And if we get that approved that means we'll have a fifth officer for the BC. The fifth officer will be a legal representative and the legal representative would be any firm may decide to discontinue the use of this present attorney.

But the provision will be there that we will have a legal attorney that will be a legal representative, will maintain the address for mailing and for correspondence.

And they also maintain our EIN employer identification number and also true that will get the tax ID. So basically that this would be a legal entity registered as an LLC not for profit organization and not membership based on shares but on value.

And so what that means in the U.S. and what basically I think what it means is a limited liability in that regard. Okay, so that is what is figured to be incorporated into the charter and as Phil said should we do this right away or we wait through the process of complete charter review.

So well that is open to us for this question.

Man: I have a question. I'm just wondering whether members, employers will allow them to be the general council of another legal entity.

Phil Corwin: That's not going to happen. The general counsel will be an outside law firm, under contract with the BC.

Man: So it wouldn't be an officer, a fifth officer?

Phil Corwin: It wouldn't be an elected officer it would just be...

Man: Okay that's what I thought.

Phil Corwin: ...an individual from the outside law firm.

Jimson Olufuye: Yes no member is doing that. It's going to be a law firm, a legal officer who will be in a law firm. We could decide to change Greenberg & Lieberman tomorrow but to still be there that's a legal firm.

So that is the text that has been proposed and to be incorporated into our charter.

Chantelle Doerksen: Jimson we have a question over here.

Man: Just a quick question. I mean it makes sense first of all I want to say it makes sense but the indemnification and hold harmless does the BC have insurance to cover any expenses in the indemnification because that means there is money that's going to have - you're taking liability and cost as the BC to indemnify that's what that usually means.

And so do we have insurance to cover that cost or where is that money going to come from and are BC members on the hook for paying that because we are the membership?

Jimson Olufuye: Okay well at this point there is no insurance budget but the level of commitment we've made now is, that is (unintelligible) of the annual fee, the process to register in the company so that is ongoing.

That is for not for profit organization about \$4500. So that is the level of commitment right now. But I will take a look at that maybe the legal people here can - it will be offline and advise more on the...

Man: Yes if I could just make - I mean if you look at the language, you know, any proceedings against all expenses, judgments, fines, costs and amounts paid and some of it are otherwise such expended costs and so forth.

So before I would recommend voting on this and I know it has to be done quickly I would want to know what is the financial obligation potentially on the BC. If something goes haywire and the indemnification kicks in.

Phil Corwin: Just to clarify we are not voting on this today. The Excom hasn't had a full discussion just yet. We just wanted to inform you in the context of the charter revision that we might want to move this language or some minor modification of this language before we deal with the full charter revision just



until we can get the EIN set up and facilitate taking payments from BC members but we're not asking for any decision now.

Man: Do we have to have the second paragraph in there? Can we just have the first paragraph to do it?

Angie Graves: We'll go more into it - this is Angie Graves. I think we're more talking about fast track versus no. I think there will be a full discussion and we're all glad for other pairs of eyes on this as well.

Zahid Jamil: So just a couple of points this is about...

Jimson Olufuye: Say your name.

Zahid Jamil: ...I'm so sorry it is Zahid Jamil. This talking about the creation of a general counsel's position. The general counsel is not employed by the BC, it's not an employee number one.

It's in a position that you get elected to I imagine right like anybody else like you Jimson or...

Man: No.

Zahid Jamil: ...no okay.

Man: That was a question I asked it's actually going to be an outside firm that we're going to hire. So I think that that all needs to be clarified in this first paragraph two because it just - that language is pretty loose.

Zahid Jamil: So I just wanted to come back to this. I don't - I mean I'm an attorney I don't get indemnified by clients all the time I mean I've never seen that happen. I don't know why this would be required.

Phil Corwin: It's clear that we need more...

((Crosstalk))

Phil Corwin: It's quite the opposite.

Phil Corwin: I think in the interest of time why don't we unless someone has a burning point to make the Excomm will discuss this. You've gotten - we'll send out a full explanation, we'll take input on the language but the key question is whether we wait to do this which means delaying setting up the payment process until we adopt in a completely new revised charter or whether we put this on a faster track and try to get it done as soon as possible.

And with recondition that the language is subject to scrutiny and can change before it's adopted and I don't know if we need any more discussion on this right now.

Susan Kawaguchi: Are we voting on this?

Phil Corwin: No, no we are not voting on any of this right now not today, not today. We don't have - it's not ready for a vote certainly. Do we want to take a show from members whether they prefer the finance issue to be fast tracked to get that done sooner rather than later rather than wait on a full charter revision?

Just a show of hands would you rather have this happen quickly on its own? If you're in favor of fast tracking this language whatever the final language is raise your hand to facilitate payment process.

Laura Covington: This is Laura. You just mean fast tracking getting this set up so it's not so darn hard to pay our dues right?

Phil Corwin: That's right.

Laura Covington: Getting all this fixed and everything yes okay.

Phil Corwin: Okay.

Chris Chaplow: Hello, Chris Chaplow here. For me it's not just about I mean Jimson is focusing on the payments. For me also it's compliance because our bankers have asked for these numbers and I said it's in progress. So that's why I put my hand up for the fast track.

Phil Corwin: Okay let the record reflect that there was a show of consensus in favor of moving this ahead of the full charter revision and we'll get back to all of you in detail and consult with the full constituents before any final action is taken.

The one other thing I want to note about the overall charter revision is that there are certain issues which we felt those of us on the drafting team were substantive decisions for the full constituency to make.

Such as whether to continue weighted voting and with the current weights that we didn't think it was any of our business to make those decisions. They're reserved for the full constituency to decide when you look at the charter.

We've been really trying to clean it up and have it internally consistent, much clearer with less ambiguity and consistent with the way that the BC has actually operated for years rather than with a notion of how it might operate years ago when the charter was first done. Thank you.

The next item which I think we already disposed of in the discussion of things the counsel will address tomorrow is the 2016 meeting schedule. We went over the A, B and C meetings.

A is going to be four days like this one with a weekend or several days before for counsel. And other groups to meet that's the one in Marrakesh. B is the

one in Panama City which will be a four-day meeting with no funding for groups to comment before or after and do other works and none of us are quite sure on counsel how that will work but we'll have to deal with it next year.

And the last one is going to be a day longer meeting the big public meeting, annual meeting which will be in San Juan, Puerto Rico next year and that one obviously with more days other than the burnout factor there is more ability to have a full schedule that considers everything and for everyone to get their work done.

Does anyone else want to discuss anything else about the 2016 meeting schedule? We disposed of that one in about 42 seconds. The Leadership Training Program who is speaking to that one? Go ahead.

Cecilia Smith: Can you turn the mic on please. Hi this is Cecilia, I want to thank the BC for sending me to the ICANN Leadership Training Program last week. This is the third year that ICANN has sponsored this program.

And what it involves is picking an AC and SO and somebody from all the different organizations within ICANN to participate together in a almost week long session.

So if you want to talk about burnout and adding another week to your travel this will do it. So we had about 20 different folks in one room and the goal was that it was really not to express all of the differences that we had but to see how we could unite and make things better.

And I know that's sort of that fluffy talk and all that but after three days of your 20 best friends you kind of do see eye to eye on some things. One of the big, big benefits that we got out of this or one of the things that we did agree on was how we would consider rearranging the ICANN structure.

So I know that's a big task but it was a fun project for us to kind of step back with our differences and just kind of look at it from a different light. So we have some things coming out of that in a couple of weeks or so.

We're not changing anything but this is sort of our thought. I just want to say that this is a great opportunity for others who want to participate next year to meet other people like in SSAC. I didn't even know what that was.

To meet somebody from the ASO and to talk about outreach. One of the key pieces that I got out of this and I wanted to talk to Jimson about was, you know, I spoke to somebody at the large group who represents the Asia Pacific area and we were talking about how do we work together to do outreach together because we do have those similarities.

So I just wanted to pass that along. If you want any more information I brought my booklet and you can just ask me any questions you have. And another fun thing that we did was we did something which I call the "team building with knives."

We went to the Dublin Cookery together and all 20 of us including board members and ICANN staff we all got together and we made ravioli's and we had seared duck breasts and all that fun stuff with wine.

So, it was a very good experience. I hope somebody else volunteers the next time around. Thank you.

Phil Corwin: Thank you and any questions or comments on that report? We're glad you found it a useful experience and a gastronomically satisfying experience.

Cecilia Smith: Now I need some sleep.

Steve Coates: We all need more sleep.

Susan Kawaguchi: The point I was going to make, thanks for taking the time to do it, because that's a big commitment of time.

Cecilia Smith: Thanks for sending me.

Susan Kawaguchi: Yes appreciate that.

Jimson Olufuye: Yes thanks for that report. Is it possible to have a summary that we can put on the Web or something? (EIPC) site?

Cecilia Smith: Yes, let me get our draft from the outcome of our piece and then I'll send it to you.

Phil Corwin: We are now - this meeting was scheduled to 4:30. It's now 3:52 and we're up to any other business. Steve wants to once again remind you about the upcoming elections which are going to open up next month for officer elections and then we'll open the floor to any other issue that anyone wants to bring up knowing that it's delaying the early conclusion of this meeting?

Steve DelBianco: Yes, this will be fast. I mentioned this to about half of you that were in the meeting yesterday the Monday session. But the BC needs to elect new officers for the Chair, the Vice Chair for policy the role that I fulfill today.

We need a new Vice Chair for finance and administration as well as a liaison with the commercial stakeholders group which David Fares currently fills today and Jimson is our current Vice Chair for finance and administration.

So these officer elections are for one-year terms and anyone in the BC whose company has been a member for at least a year is eligible, and we're interested in getting candidates at this meeting to start talking about their level of interest, talking with each other.

You can announce it out loud if you wish, you can some see any of us and we'll talk to you about the challenges and opportunities of doing these jobs so it will be easier to turn it over to you when you run for the office.

So this is the time, this is the week when we're all together when you have an opportunity to talk to your peers about who is interested in running for the different offices.

Phil Corwin: I'll just say to that that one of the benefits of being an officer is you get ICANN travel support. Of course, the downside of that is dealing is dealing with ICANN Constituency.

Steve DelBianco: And it's travel support for coach travel.

Phil Corwin: Coach fare yes if...

Steve DelBianco: And the hotel that I'm in is called Jury's but I should respell it Dreary's.

Phil Corwin: At least your Dreary hotel is closer than my Dreary hotel. But yes, it's some support it is coach but you pay for your own upgrade. Zahid has something he wants to bring up.

Zahid Jamil: This will be really quick. It was my first year last year in the NomCom and as a newbie there are many things I didn't understand. And I'm bound to confidentiality because I'm supposed to be an individual not representing the Constituency blah, blah, blah.

But I think there are certain things that are out there which I can talk about and I think it will be helpful. I think it may help and there may be undertones here so please sort of pick them up because I can't speak openly.

But it may be beneficial for constituencies and others to coordinate or have their representatives coordinating what they do inside the NomCom to some extent or to try to, you know, put that idea forward.

It is just the nature of the NomCom is such that at times what ends up happening from, you know, what I've noticed is that you could have possibly maybe, maybe not individual who represent certain SO's or AC's becoming with the agenda with completely different organization.

And that can actually confuse other representatives who don't know how that's working out. What I'm trying to basically say is it has a huge impact on board appointments and so from that perspective some coordination between city, IPC or the CSG representatives could help in improving some of our results. I just wanted to make that point.

Also I think some succession planning on that and training from previous NomCom to the next one may help because it is very, very complicated and if this is your first year and you have no briefing there is a lot of stuff you can get blindsided by.

Phil Corwin: Thank you for that very useful comment and we'll take that under consideration. Chris.

Chris Chaplow: Yes just quickly just to correct you. There is three travel not four in the ICANN budget for the officers.

Phil Corwin: Okay.

Chris Chaplow: I think in the past one of the officers declined travel because the company paid it so it came out late but just to clarify that point.

Steve DelBianco: The officers if we only have three slots to pay for four people we just probably take turns.



Angie Graves: Hi this is Angie Graves. I am primary representative from the BC to the Standing Committee On Improvements. And while we're talking about BC representation inside ICANN I'd like to mention that we have a slot open for an alternate.

The work that SCI does is with GNO council and if I just may say it's a procedural role. SCI means standing committee on implementation improvements.

And we take process and procedural issues from the GNSO Council when they have questions about which way to move procedurally on something and we clarify that for them and provide them with recommendations and direction.

There are very few meetings, there is very little work to do but it's a noticeable gap in the SCI membership. Thank you.

Jimson Olufuye: Okay thank you. Still on the election this is related to the election. The second invoice would be sent out say from October 30 and I just wanted to relay that once the second is not going in the Charter.

Once the second invoice is sent out that means we have 14 days to pay off to retain membership. So, just for information.

Steve DelBianco: Only paid members can vote.

Jimson Olufuye: Yes only paid members can stand for election and can also vote. Then secondly on outreach as Cecilia mentioned we started something (unintelligible) and he has been with us before.

But I mentioned his name earlier I just also see that he is here now and he has something to say that is David Chang, in ASOCIO, had the leadership summit in Kuala Lumpur two weeks ago.

About a thousand, close to 1000 business leaders were in attendance and had the opportunity to speak to them (unintelligible) doing. So David you want to say something.

David Chang: Yes, I'm David Chang. I would like to thanks for BC ICANN to giving us opportunities throughout the outreach program to support event Jimson mentioned in Kuala Lumpur, Malaysia.

It is our annual outreach event ICD summit. This year have about 10,000 people attend throughout the region ASOCIO. ASOCIO represents Asian and Oceania computing organizations, which already 30 years old, older than ICANN.

It is a federation organization. They are from all the ICD associations throughout region, 24 countries, from Korea down to Malaysia. Two-thirds of them are the developing economies yes.

This 24 association represent 15,000 ICD companies. I think that's quite a size of the commercial users to stay here okay of Internet. We're glad that we invited Dr. Jimson to give a speech in thousand audience.

So he should be overwhelmed because I should say ICANN not mention BC is very, very not known in that part of the world. But not so social through the introduction of the (unintelligible) became the member of the BC this year.

So I would like to be a volunteer ambassador to promote BC, promote ICANN in that part of the world for now. Thank you very much again.

Phil Corwin: Thank you, thank you. Do we have any other business?

Jimson Olufuye: Yes still speaking. Thank you Dave I don't know maybe we will wrap that up later the gift to Elisa former Chair we have a gift for Elisa and ,Matt Serlin is already here so once we are ready to hand out the gifts so just call.

Yes, Matthew is here. Matthew please yes come forward. I will hand over the gift to Phil and Phil will...

Phil Corwin: Will Matt be able to convey it to her?

Jimson Olufuye: Phil could you come up please you're going to hand it over.

Matt Serlin: I didn't bring my heels. Yes my hair.

Phil Corwin: Matt we have from the BC for you to give to Elisa, a certificate and outstanding service award. Second we have this giant thank you shirt signed by all the members of the BC and everyone wrote very nice things.

We'll protect the certificate it should be placed inside. There is a cash award that was going to be used toward a gift and we don't want you complaining.

Matt Serlin: No, Elisa wouldn't do that actually.

Phil Corwin: Three hundred and fifty dollars as a token.

Matt Serlin: Thank you. Let me be honest I did just skype with her a little while ago and she wanted me to thank all of you for your (unintelligible). She wanted me to let you know that she misses you all greatly and you will see her back again.

Jimson Olufuye: Handshake. Okay hold it okay good.

Phil Corwin: Real quick – I'm not doing this for discussion because we all - get out this room. But I think it would be helpful and maybe Steve before you walk out the

door for further clarification maybe on the list serve, BC list serve about the stress test 29, stress test 30 contract enforcement issue going on at CCWG.

We didn't have time to talk about it today but there was a lot of discussion yesterday in the working group session from Becky Burr. And frankly there is some terminology that she used that as a relative newbie to the group was nearly a picket fence spec one things like that that sort of dovetailed with that discussion.

So maybe if it works for you I could pose questions to the list and if you can provide any insight that may be helpful for all of us so we can better understand the dynamic if that makes sense.

Steve DelBianco: Will do but I think we discussed at the morning CSG and then I sent to the BC list right after the CSG that there was a session today at lunch and there will be another one tomorrow at lunchtime.

And it's a small working group and that's where you can go and make known our preference that contract enforcement may not be interfered with by limits on the mission of core values.

So I'll resend it to list because I want to hear more about that but thank you I'll do that.

Phil Corwin: Okay so I don't see any other hands. Final word back on - we mentioned this the other day we're going to - we just filled one position on the credentials committee which primarily reviews applications for new members.

Steven Coates was elected to replace Martin Sutton who left us for the registry SG. It turns out that Laura Covington and I are both time limited we're going to have to leave soon.

The ExComm has to discuss how we're going to hold those elections. We'd like to see some continuity so it's not three brand new people trying to figure out a process that we've developed very well over the last two years and figure out how to process all these applications but we could be available for guidance as well.

And the last thing I'm going to mention is I still have a bag here of support the stakeholder buttons if you have one yet and would like one or want another one to give to friends. I don't want to put these in my bag and fly back to Washington with them.

And unless there is anyone else who has something to say we're going to adjourn the meeting and end early. Thank you BC members.

END