

ICANN

**Moderator: Gisella Gruber-White
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Operator: Recording started.

Chantelle Doerksen: Good morning, good afternoon, and good evening. Welcome to the BC Members' Call.

On the call today we have Andy Abrams, Angie Graves, Aparna Sridhar, Beth Allegretti, Chris Wilson, Gabriella Szlak, Jay Chapman, Marie Pattullo, Paul Mitchell, Steve DelBianco, Susan Kawaguchi, Phil Corwin, Denise Michel, Tim Chen, Jay Sudowski, Elisa Cooper.

And for apologies we have David Fares and Jimson Olufuye.

From staff we have myself, Chantelle Doerksen.

I would like to remind all participants to please state your name before speaking for transcription purposes.

Thank you ever so much and over to you, Phil.

Phil Corwin: Well good morning everyone. I'm just going to refer to my copy of the agenda till I get into the chat room. Welcome to the call. It's great seeing so many of you in Dublin. I know it was an extremely busy meeting for most of us and it's been busy since with continuing work on accountability and other matters.

I was to remind BC members that the nomination period is currently open for the officers' election. There are four slots open: chair, VP for policy and operations and finance, the policy position, and the CSG representative. We have one nomination so far for chair. I encourage BC members to step and volunteer for these.

We do have an issue to discuss, and I'd welcome any input now, under the election procedures that we distributed just prior to Dublin, the candidate call was listed for Thursday the 26th, which is Thanksgiving in the United States and not a day in which we're likely to get any U.S. members of the BC participating.

So with the candidate statements due on Friday November 20, and I have been advised by one likely candidates for one of the offices who hasn't been nominated yet but that should be forthcoming, that person would not be available the following week except for Monday the 23rd.

The question is whether to hold that candidate's call on Monday the 23rd, just giving people the weekend to review the candidate statements or whether to postpone until early in the following week, the week of the 30th, which would move the candidates call back by four to five days from what it had been scheduled to be. It wouldn't be a big delay in holding the election or the results but it would be a slight delay.

Does anyone have any - and I'm in the chat room now, if anyone has any views, please raise your hand or type something in the chat box. If not, I'm going to move on from that issue and turn it over to Steve to discuss policy. I see one statement in the chat room from Paul that he thinks the middle of the following week would be good. Steve Coates chimes in.

Personally my view is that we'd better off the week of November 30th than rushing to it on Monday the 23rd, but we'll - if you have further input, put it in the chat room or send us an e-mail, and the ExCom will discuss this on our call immediately subsequent to this members call.

So - and, Steve, I see your hand. Why don't you...?

Steve DelBianco: Thank you, Phil. Steve DelBianco. Speaking just from my own concern, while I am willing to stand for policy chair again, I am happy to defer to a BC member who's eager to take it on. I would be happy to help them with that. The dilemma I have is the nomination period could close before I really know whether another BC member has wanted to go for this position.

So I would just ask as a courtesy, if any of you feel up to it, you can contact me privately. Let me know that you're going to have your name put in, and I will be happy to educate you on what it takes to fulfill the role and to support you in that regard. But if not, I would need to get a name - to get my name back in the mix before the 13th of November or we miss the window for nominations.

So I would just ask that those of you who are interested, contact me as soon as you can, and I'd be happy to talk about helping you to be successful. Thanks, Phil.

Phil Corwin: Well thank you, Steve. You know, you've set a high bar for the - for holding that position and providing the critically important information that you provide to all of us for all of the many issues that we have to deal with as we drink from the ICANN fire hose, so. But I am delighted that someone has been nominated for chair because while I've been honored to serve as your interim chair, performing that role in addition to council duties has - it's a lot of work. So I'll be happy to see a new elected chair taking over after the election.

So again, I strongly encourage members to consider stepping up to one of those posts. They have varying degrees of responsibility and work associated with them, but it's really - I think everyone in the BC should serve in one of these officer positions at some time. It gives you a whole different perspective on ICANN and the BC itself by taking one of these positions.

I realize not everyone has the free time to do that, but if you have an interest in this and have available time, please strongly consider. We need a diversity of membership over the years serving in these officer positions. It gives the BC a lot more depth to have past officers among our members as well who understand the process.

And having said that, I'm going - okay. Let's see I'm in the - okay. I'm going to turn it over to you now, Steve, to take us through the pending policy issues and also bring us up to date on what's going on with accountability, because I know we're entering a very critical period for accountability the middle of this month. So take away, Steve.

Steve DelBianco: Thank you, Phil. And Chantelle, thank you for loading the policy calendar. Everyone, I e-mailed this out on Tuesday both as an e-mail and a PDF. And the hyperlink should be active in both. Let me quickly walk through.

One comment we filed just last week on October the 30th, we commented on the preliminary issue report from ICANN on the new gTLD expansion subsequent procedures. We were only one of 12 that files, which is very surprising to me. I thought there would have been many more. But again, it's ICANN fatigue, as Phil said.

Susan Kawaguchi, thank you for drafting. Andy Abrams, Andrew Harris, Tim Chen, Steve Coates, and Ellen Black all provided edits. And I realize that at the end, Tim Chen was a bit concerned about the notion of unlimited rounds. But again, the BC position here is to go away from batched rounds and have a continuously open window.

So this notion of whether there's a limit on a batch round comes as a backup point. And it's not one that the BC put forward as a suggestion, but rather saying there should not be such a limitation. So thank you, Tim, for commenting on that and then withdrawing your objection. We're going to have many more opportunities to make this point as we move ahead on nine current reviews of the new gTLD program. It's amazing.

Let me quickly move to the six currently open public comment periods that are in the middle of the page there. And two of them will close this weekend. So my interest is to get closure on this call for numbers one and two.

Number one was a phase one study for the affirmation of commitments review for the new gTLD program. This was set up because a group of BC members, including myself, was part of a team that worked two years ago to define metrics and measures to figure out whether the new gTLD expansion actually enhanced consumer choice competition and consumer trust. And that's often

abbreviated as CCT. So the AOC is affirmation of commitment; CCT stands for consumer choice competition and trust.

So Chris Wilson and Cecilia Smith drafted a BC comment, and I circulated on the 26th of October; that's the first attachment on today's policy calendar. Since then, Google, Disney, and Microsoft have supported the draft and we need to get it in, as I said before, it's due November the 7th. So are there any comments or questions on that particular draft? It's a relatively brief one. And I'm looking for a queue.

We have Cecilia and Chris on the line, who can speak to any questions or ideas that BC members have. All right I'm not seeing any hands. I will submit that comment on November the 7th. Cecilia and Chris, thanks very much for taking charge on that. Well done.

Number two in this list is a discussion paper on what to do with the auction proceeds from the new gTLD program. And it's something like \$60 at this point. Phil may know the exact number. And these comments close on the 8th of November.

Now Angie Graves and Phil Corwin drafted a BC comment. I did an edit along with Aparna, and we circulated that well over a week - almost two weeks ago. That's the second attachment here. So this would be a great opportunity to put questions to Phil and Angie about that particular comment or make suggestions if you haven't already done so on the list. There hasn't been much list activity on this draft comment.

Fifty-eight million. Thank you, Phil. Phil, as one of the drafters, I'm wondering whether you and Angie have any questions for the rest of our peers on the BC with respect to this auction proceeds. What would you consider the

most daring suggestion in the BC draft comments that we want to make sure that BC members are aware that we're putting forth?

Phil Corwin: Steve, I'm going to be honest. I'm suffering from ICANN burnout. I haven't looked at this paper since Dublin. We did get one helpful comment from Aparna. But between catching up on other work since returning and also there's a lot going on in the CSG on the council chair elections that I've been tied up with, along with Susan. So - but I see Angie has something to say about that. So I'm going to let her chime in.

Angie Graves: Yes. This is Angie Graves. And regarding the submitted comments, one of the things that's different about the BC's comments is we are a step removed, a step back, talking about principles and guidelines and framework and a little bit more so than the others. So in terms of approach we are different.

I do note the update, the changes that were made by Aparna and someone else, maybe you Steve, and agree with all of those edits. But I think we have a very strong position being very focused on the principles and the guidelines and the framework. Thank you.

Steve DelBianco: Thank you, Angie. And to you, Phil, as well. Good job on this draft. So we're going to submit that on November the 8th. Thank you again.

The third item in here is a new group called the Implementation Advisory Group, or IAG, and they've prepared an initial report with revisions to procedures for how to resolve conflicts about Whois, and those are conflicts between ICANN's contractual requirements and privacy laws governing either the jurisdiction of the registrar or the registrant.

Comments on this one don't close until the 17th of November. So we've got some time. And I wanted to right away give a shout out to Cheryl Miller and Ellen Blackler, who drafted BC comment, which was circulated two days ago. It's the third attachment on here. Marie Pattullo, thank you for replying with a few suggested edits.

And we do want to stimulate lively discussion of this since Whois has always been regarded as essential to a lot of BC members looking to guard against trademark infringement, as well as abuse and confusion to your consumers, which are the ultimate of business users.

On the other hand, we do want to be respectful of privacy laws governing jurisdictions and be sure that we don't put registrars in a position of violating a local law in order to satisfy the ICANN contract. So I think that Cheryl and Ellen have put together some excellent points. Are there any questions or comments about that on today's call or additional volunteers who will promise to take a look at their draft in the next couple of days?

Beth Allegretti: It's Beth Allegretti. I'll take a look at the draft.

Steve DelBianco: Beth, thank you very much. Start with the e-mail from Marie Pattullo because Marie made a couple of comments in an e-mail, and then you come in on top of that with your comments on the draft. Thanks, Beth.

Beth Allegretti: Thanks.

Steve DelBianco: Okay thank you. The fourth one in here is a preliminary issues report. And again, a preliminary issues report is the first stage in setting up for a policy development process, or a PDP, within the GNSO. And this would be a

review of all the rights protection mechanisms that are used in all gTLDs, not just the new gTLDs but all gTLDs.

And that would include the UDRP or uniform dispute resolution process. Comments for this one don't close until the end of November. Plenty of time. And we stimulated this almost four years ago when the GNSO was anxious to do a review of all RPMs, including UDRP, but didn't want it to get in the way of the new gTLD program and wanted the new gTLD program to be able to rely upon rights protection mechanisms like the UDRP, which has been proven in some 30,000 cases around the world since it's been around.

Now staff has recommended that the PDP might pause a bit to wait for the results of some of these affirmation of commitments reviews. Remember that CCT review I spoke of earlier. And the drafters for this have been Mahmoud, Gabi, Chris Wilson, Phil Corwin, and Jay Chapman. Those drafters are already at work and have been exchanging emails amongst them on a preliminary draft.

For any of you who volunteered, I first want to thank you but also ask if you have an idea as to when a draft might be forthcoming and if there's anything more I can do to help you with that.

Phil Corwin: Steve, Phil here. I'm heading up this group, so. We have started to divide up the work. I'm going to be getting to work on my portion within the next week. Certainly we want to get you a draft out before Thanksgiving, so folks can look at it for at least a week before we file.

This, like the discussion paper on proceeds, is not about what the final result should be but about the process. And so we're reviewing each of the separate

categories, trademark clearinghouse, sunrise, all of that, to see whether we think they've covered all the questions that should be raised in any PDP.

And also those of you in Dublin who were at or monitored the public forum will remember that I spoke on behalf of the BC based on our discussions at our meeting in Dublin, putting forth a BC Position that the review of the current RPM for new TLDs and whether they've been effective and whether they should be changed in any way should be separate from the UDRP review.

And that was based on view that each of those two topics is daunting and that combining them might be indigestible for the working group, just too much work trying to integrate them simultaneously. Also a concern that given that the UDRP is the oldest ICANN consensus policy and the only one that's never undergone review, so this is the first time since the late 90s when it was established.

That could be a long process. It deserves whatever amount of time it needs. And hooking it up with a new gTLD RPM review might cause it to be cut short prematurely because there may be pressure to finish up that RPM review and make any changes before the next round of new TLDs open.

So we didn't want the RPM review to be the engine pulling the UDRP review along before it had had sufficient time to be completed. So that was the statement I gave at the public forum on behalf of the BC, and that's probably the direction our working group will take in drafting our comments.

Steve DelBianco: Thank you, Phil. Folks, on the screen in Adobe, I displayed the prior seven comments from the BC that I gathered based on positions we've done before on the use of RPMs in the gTLD space. And this is typically what I try to do

to tee up a drafting team so that they can rely heavily on things we've done in the past.

And I usually try to call out particular areas defined what the BC had said in the past. It's got to be easier to stand of the shoulders of work we've already done and then expand on that or maybe even deviate from it in the work ahead. So it's a mixed bag. I mean in some respects, I make the job a little easier for the drafters by giving you previous positions but it did mean all of the drafters had to read as many as seven prior BC comments to get a handle of what we've done before.

So I share this as much for the benefit of anyone thinking about running for policy coordinator so you can get an idea of the kind of prep work we do with our drafting team, who really do most of the work. But it's important to do some prep and not just be there to do cleanup and circulate for comments.

Are there any other volunteers that want to join that team? And we'll look forward for a draft in the next several days.

The first item, and Chantelle I'll put it back to you to put the policy calendar back up please if you don't mind, thank you. The fifth item is the .meet registry agreement. The .meet registry applicant who has won and signed an agreement wants to remove searchable Whois service. Now that means they still maintain the Whois data but they no longer make it a searchable Whois. I don't think that's port 48, I'm not positive. But they don't make it searchable anymore.

Now the comments would close December the 4th so there's a lot of time on this. And I wanted to recall back in September, the BC supported the removal of searchable Whois, but for the .sharp gTLD. Now .sharp is a brand, a single

registrant closed brand. And .meet is not. And ICANN staff recognizes the distinction we've made over and over again between brands and open generics.

And the staff specifically says in their comment, "They want community input on requests submitted for open gTLDs in general so that the public comments can be used to consider similar future requests."

So we can rely a little bit on what we said about .sharp, and Andy Abrams led the drafting along that. But we've got to take a different tact because we won't be able to rely upon a single registrant like sharp in the .meet because there will be multiple registrants at the second level.

So we look for volunteers on this to help draft something. There's plenty of time between now and December the 4th. It's a very narrow issue and we can rely on the rhetoric that Andy, Chris Wilson, and Steve Coates put together in September.

Let me look for a hand. This is an easy one for somebody to get their arms around drafting BC comments. I see Andy Abrams typing in the chat. But Andy is always the one to volunteer on this.

Andy Abrams: Steve, this is Andy. This is obviously - Hi, Steve, this is Andy. I won't volunteer to draft this since it involves our own registry but I'm happy to answer any questions if somebody else has any questions with regard to it.

Steve DelBianco: Andy, can you say anything more about the plans for .meet in terms of the market that it would target and what Google's interested at removing the searchable Whois?

Andy Abrams: I wish I could with respect to the plans. Frankly, you know, they're not really in place. I know it's going to be an open with restrictions model. With respect to the decision, frankly I mean our platform isn't built to be searchable, which is ironic for us. But that's the case with all of our registries.

And really it was sort of a decision made on a privacy level. You know, obviously it does have thick Whois, which provides more information than the thin Whois. It doesn't limit in any way a user's ability to get the full information about a domain name when they want information about that particular domain name.

And the only concern with the searchable aspect was that it could potentially be used by marketers, spammers, that sort of aggregate information that has nothing to do with the domain - what the domain's only purpose. So that's all that it is. But again, I'm happy to answer any further questions if anybody has any.

Steve DelBianco: Any other questions? And, Andrew, this is Steve again. I would ask, if it's possible, you could circulate to the BC private list any information that you can obtain from your colleagues at the company about marketing plans as well as a little bit more about the notion that none of your gTLDs are going to be searchable. You hadn't built them that way. But any insight that you can give us would help the BC to draft a comment on this. So I realize you can't share necessarily inside proprietary information, but what you can share, please do.

Susan Kawaguchi: Steve, this is Susan. And I'm sort of in transit so I'm off of Adobe right now, but I will volunteer to draft those comments. And, Andy, you know, it'd be great if we could have a - sort of a longer conversation.

Steve DelBianco: Andy is saying will do. And Tim Chen I think has just also indicated he would work with you on that, Susan.

Susan Kawaguchi: Perfect.

Steve DelBianco: Great. Thank you. Chantelle, if you could get to Page 2 on the policy calendar. I'm unable to scroll to the second page.

We only have one more item on the list of open public comments. It's number six and it's a new gTLD program implementation review. And it's a draft report that was prepared by ICANN staff. And again, this is focusing on the implementation of the new gTLD program. It doesn't have a narrow focus on rights protection mechanism. It's different than a review of consumer trust, consumer choice and competition.

And this one close December the 7th. Andrew Harris of Amazon has volunteered to draft this for us. Andrew's not on the call today but he's already working on it, and I gave him some information to start it off. And I think that Kat McGowan of LinkedIn was interested in helping Andrew on that. But it would be great to additional volunteers from the group we have on the call today to help Andrew Harris and Kat McGowan on number six.

And so Steve Coates, you went with number five. Thank you. I'll record your name there, the removal of searchable Whois. And looking for some volunteer to help Andrew Harris of Amazon on number six. All right I'll keep pressing on that on our next call.

Denise Michel: Hi, Steve, this is Denise. I'm sorry. I don't have number six. Could you just tell me what that is?

Steve DelBianco: Sure, Denise. It was in the policy calendar that I circulated the other day, and it's a draft report from staff on the new gTLD program implementation review.

Denise Michel: I'll help with that.

Steve DelBianco: Fantastic. Thanks, Denise.

Andrew Mack: Steve, this is Andrew Mack. Any idea how long that report is?

Steve DelBianco: Andrew, I put hyperlinks in every one of the items, and all one has to do is to click on that. The report...

Andrew Mack: I'm sorry. I'm just behind.

Steve DelBianco: Yes okay. Hang on, I'll bring it up. And you're interested to know how many pages long it is?

Andrew Mack: I just wanted - before I commit to doing it, I want to make sure it's something I can do, that's all.

Steve DelBianco: Yes well, I'm almost afraid to tell you because it's quite long. Staff put a lot of work into this, a lot of work into this. It's 206 pages.

Andrew Mack: Okay.

Steve DelBianco: Now that includes appendices and a lot of pretty graphics, Andrew. So don't be completely intimidated.

Andrew Mack: I will tentatively try to join that group. I'll see what I can - go ahead and put me down to help.

Steve DelBianco: Thank you. So that's Denise, Andrew Mack ,Andrew Harris and Steve Coates. That's fantastic -- good group.

All right our next item is the reconsideration request. And Chantelle thanks for loading the second page. On the second page there I give the history of how we got to the point of asking the board for a reconsideration request on the decision to sign a couple of legacy sponsored contracts .travel .cat and .pro and to require that those - or sorry to present those registry operators with the URS or Uniform Rapid Suspension policy baked into their contract for renewal.

And to our knowledge none of those registry operators objected or insisted that ICANN pull it out.

So the whole point of the BC comment and the reconsideration is you URS has never been through a bottom-up multi-stakeholder development process like a PDP was something that we put together in the implementation of the new gTLD program.

And the BC is standing on the principle that we ought to do these things as a bottom-up multi-stakeholder process.

Now the board is supposed to reply to our reconsideration by the 13th November. As of today there is no reply yet.

And all I've received was an acknowledgment from board member Bruce Tonkin that they have it and are considering it.

I'll also note that we did this in conduction with the Non-Commercials Stakeholders Group or NCSG -- one of those rare opportunities for us to team with them.

All right moving on is council. And so Susan and Phil why don't you take over and talk about not only the council officer election but the council meeting that's coming up on the 1th 9 November.

We don't have agenda or resolutions yet. Phil and Susan over to you.

Phil Corwin: Steve, Phil thanks. Just comment of on the URS one I spoke to that at the public forum in a different in a non-BC capacity.

But of course that, you know, the question of whether the RPM should become consensus policy is one of the big issues in the upcoming PDP on all RPMs and all TLDs. So that kind of illustrates the situation there.

Steve before we get to counsel did you want to say anything about where we stand on accountability and the timeline?

Steve DelBianco: I'll save that for later. I don't want to use too much time up.

Phil Corwin: Okay.

Steve DelBianco: Okay, Chantelle can you put the agenda up because my notes for this portion are in that? It'll help people follow along.

Okay well first of all on the - and Susan feel free to chime in at any point as I address this.

At the October 21 Council meeting held in Dublin two resolutions were passed and was approval of the Data and Metrics Working Group recommendations. That's not something that's leading to a PDP.

The other one was filed late. There were no objections to it and this was basically you see the resolve text in the agenda notes.

This was for the GNSO to demonstrate for the council to demonstrate continued support for the CCWG on accountability and to urge participants not to make final decisions before everything had been worked through that.

And part was their reaction to something the ALEC did the day before. It was - it had no force other than moral force but the council is on record as supporting the accountability group and urging everyone to keep their powder dry until the whole process has been completed.

Moving on as most of you are well aware we did not elect a new council chair in Dublin. What a brief recap what happened was that the contracted parties house nominated James Bladel of GoDaddy.

The non-contracted side nominated Heather Forrest who's a member of the IPC.

Prior to the meeting we had asked the Non-commercial Stakeholder Group if they had any candidate for chair they wanted to propose? They had none. We asked them if they had any issues or objections to Heather. They identified none.

So we made the - it turns out on the commercial side we made the somewhat naïve assumption that at least on the first ballot they would back the candidate of the non-contracted side of the house.

In fact at the end of that first round James Bladel had received 100% of the votes of the contracted side and Heather had received only seven out of 13 votes from the non-contracted side.

So it appears that the noncommercial group through all of their support to James and in a very brief period where there was quite a bit of a motion. We met outside in the hall we including Steve participated as well as Susan and I.

And the BC was in a position where even though we decided that Heather didn't look like she had the votes for being elected chair we would throw our votes to James on a later ballot.

The fact that she didn't even survive the first round and that we had, you know, had mistakenly assumed we could count on the noncommercial side to support her in that round there was a feeling particularly strong on the IPC ISP went along that we needed to call a timeout to send a message that the structure of the GNSO was broken and give our self more time.

And I think that was the right decision in retrospect. It put us - we had to break in the BC from our previous decision and express solidarity with the other members of the Commercial Stakeholder Group.

But frankly it gave us the time to come up, to explore the situation to come up with we had not had a call with James. We had not asked and he had not offered to be on a call.

We had the call yesterday. You see that the major questions that we all agreed upon should be asked of James.

We were generally satisfied with his answers. Of course he was - we assume he was telling us what he thought we wanted to hear on those questions.

But we think we have assurances to that once the election is over that we will have ongoing discussions about working at amending the council bylaws to have regular rotation of the chair and really that the chair is indeed a neutral position that doesn't put his finger on the scale of one way or the other as the council consider issues then there's no reason it shouldn't rotate between the two houses if there's no advantage to it.

If there is an advantage, then even more reason to have regular rotation. And we're also going to be discussing keeping the council on its main mission which is coordinating the policy development process and not becoming the place for all things GNSO.

So I think what we expect to happen is we're not going to be nominating a chair candidate from our side of the house.

Heather after some thinking about it decided that she'd be willing to serve as vice chair. Once again not - all of this has to be finalized by today so James will be the official candidate.

We hold that election at the next council meeting on November 19 following the chair election. And it's clear the James is going to be elected probably by acclamation just to provide for goodwill.

We expect that Heather will be the vice chair from the non-contract side of the house although we haven't nailed that down completely with the Noncommercial Stakeholder Group. But we're taking strong steps to get that agreed to so we don't have any miscommunications occur in Dublin.

So I'm going to stop there in see if anyone - if Susan why don't you go ahead. I see your hand up.

Susan Kawaguchi: Yes. So I think, you know, my perception of the call with James was I probably perceived him as being more genuine than you did on his responses.

I think part of what we were asking of him was to help, you know, drive forward a new process for selecting chair.

And, you know, I think he was pretty candid and genuine on the fact that he alone can't make that happen.

So but I do think this is an opportunity for all the counselors, especially counselors of the CFG in general to step up and really push some new initiatives forward and also take on more responsibility and assist the chair which would distribute some of that perceived power that the chair has.

So, you know, though this has been a difficult situation I think I agree with you Phil that I think we have got a positive outcome on this and hopefully the whole community will understand that in the long run.

Phil Corwin: Thank you for that input Susan. And in case it came across wrong I have no reason to believe that James won't be a fair and effective chair of the council.

And adding my own personal view and it was brought up on the call with him within the council we really have to get past our internal differences and focus on working in as unified manner as possible particularly as the transition comes up and occurs.

The GAC may have more opportunity to drive the policy discussion. We set the precedent with CCWG which have, you know, driven a lot of key policy decisions for the transition.

And we've got to reestablish it and protect the privacy of the council as the place which controls the process for making policy decisions for gTLDs and unite around that protecting the council's importance and its role is much more important than any of the internal differences among the different constituencies that make up the council.

So hopefully while the events in Dublin were not the most pleasant I think everyone's gotten past them and we can move forward on a more collaborative matter.

Any other comments? I don't see any hands up.

Susan Kawaguchi: So Phil this is Susan again. If we're moving on to the next council meeting I just have one quick comment.

Phil Corwin: Sure. So on the - in the previous in the Dublin meeting we deferred the motions and the next generation RDS.

And with the agreement the registrars were adamant they asked for the deferrals to review the charter more and take a deeper look at this and there was concern about a community overload.

So I've updated the - or revised the motion and to state that we wouldn't do a call for volunteers till early next year. Basically I put in January 4 because that's the first Monday of 2016.

And I've called for comments from the GNSO Council on the charter so that we can get that all wrapped up and be ready to approve it at the next meeting.

Phil Corwin: Yes thank you Susan. Thank you for your leadership on that issue. And yes we do have big-ticket PDPs coming up next year, the one on replacing and revising Whois is going to be massive as are the probably split PDPs on the RPM review and the UDRP.

Each of these is a major, major undertaking and we're going to be working on these simultaneously as in addition to all the secondary issues that move through the PDP process.

So even post transition everyone's going to be very busy.

And see if David as I noted is not with us today and Jimson's not with us to give the operations finance report though he did report that members who had not yet taken care of their dues have been stepping up and taking care of them.

He'll be issuing a new list of BC members eligible to vote very shortly. And if you are in arrears on your dues and wish to participate vote in the election you need to take care of that right away.

I don't have the list so I don't know how many are in that position but don't let it slip.

So Steve I think we want to go back now and look at where we stand on the accountability process and the timeline going forward.

Steve DelBianco: Thanks Phil. Chantelle is going to load a single slide into the Adobe. And it's a very high level timeline on how we get from where we are to getting the accountability plan and proposal finally adopted and implemented by the end of next summer. And I shouldn't say summer for our southern hemisphere colleagues. I should just say by September 2016.

On a very high level this timeline suggests that coming out of the Dublin meeting we had significant momentum on some changes compromises if you will that should allow us to publish a report by the middle of November. That's only a week away and that would be a high level report a summary of the changes. And a detailed report wouldn't follow until another two weeks later.

As your representative on CCWG I'm in charge of bringing the affirmation of commitments into the bylaws and in charge of all the stress tests as well as the decision method that's used, the escalation method of community powers.

So I've prepared and submitted most of those drafts to the writers that ICANN's hired to pull together this summary report a week from today.

I should have an early draft of that in the hands of BC members probably by the middle of November.

Now that means the ICANN will open up parallel process where there would be an opportunity for public comments through the end of December.

But at the same time the chartering organization for the CCWG accountability, and there are six chartering organizations. It's everyone except for the RS yes the root server, exactly.

All of those chartering orgs have to decide whether they want to support all or some of the CCWG proposal because ultimately a Cross Community Working Group answers to the chartering organization who created it.

And public comment is welcome but we are trying to channel the public's concerns through whatever chartering org they're part of.

So for instance members of the BC ISP IPC, members of the NCSG should all be channeling their concerns through the GNSO since the GNSO has a lot more to say about approving this plan than a public comment that's submitted during this open period.

See the public comments themselves will be taken under account and we'll look at them but ultimately we answer to the six chartering orgs.

And that's an important distinction where I'm trying to drive people into their chartering orgs. And you all know where we live. We live in the GNSO.

So I can tell you about three items that the GNSO is likely to have a concern within the next draft report. The first is we're moving from membership to a designator model in this next draft.

The board has said they would accept the designator model which they had earlier said they would not. And so it's seen as a bit of a compromise because you give up some of the statutory powers under California law that a member would have.

And of those key powers is the ability to inspect ICANN's document. The member can insist upon inspection of documents that ICANN has but a designator doesn't have that statutory right.

So one of the changes we're implementing right now is to take that piece of California law -- and it's only a paragraph -- and bring it into the bylaws so that the community sole designator could make the same document inspection request from ICANN that a member could. And that was widely supported on the call this week.

The second is the contract. You know, that we've tried to limit ICANN's mission so that it would be less likely to embark upon adventures like NETmundial in the future.

But in limiting the mission there are some who want the mission to be so limited that well there could be challenges of ICANN's ability to enforce contracts with registries and registrars if those contracts included things like public interest commitment or contractual provisions for rights protection mechanisms.

So we're trying to come up with compromise language that permits the enforcement of contracts, the enforcement of consensus policies while at the same time a limiting ICANN's mission.

And the third and final item is this notion of split voting by the GNSO. In the first and second draft that the BC commented on we supported the idea that the GNSO would have five votes on whether to launch a community power and so would all of the other ACs and SOs they all have five votes.

But the point of it was to allow the GNSO to occasionally have split votes, say contract parties want to go one way and the noncontract go another way. That split voting would have been permitted under the first and second draft.

But what emerged from Dublin under this what they call the Dublin model - and I'm at least partly responsible for having surfaced it in a breakout group is this notion that each AC and SO has to come to a decision, a binary decision a support or oppose decision.

On this week's calls I presented that it would not be a challenge to allow the GNSO to continue to have split voting but the majority of the CCWG and the chairs are driving us towards a binary yes or no which means that the GNSO itself would have to come to a yes or no decision on whether to exercise a community power.

And we all know how dysfunctional GNSO can be. Phil just got finished talking about that.

There's only one other item of controversy but the BC is solid on this. And it's Stress Test 18. And Stress Test 18 will be a very hot topic at the Internet Governance Forum next week in Brazil.

And a number of BC members are going to be there and myself included. And we expect to have a lot of discussion with the Brazilian and other GAC reps that are there.

I think there are many in the GAC who don't want to live under the bylaws requirements of Stress Test 18 which would say that the board is not required to arbitrate between governments with divergent views when the board declines to accept GAC advice.

Because if the GAC moved to majority voting for instance or even super majority we would place ICANN's board in a really awkward position of trying to arbitrate between say 60 governments who supported a piece of advice and 40 governments who opposed it. And that is not the whole point of working on a mutually acceptable solution.

So I'm positive we're going to prevail on that but the language may represent a little bit more of a subtle compromise and be a little less offensive to the government who felt we were singling them out for special treatment.

And fortunately I find myself at the center of that controversy as the author of the Stress Test Work Party.

Phil, back to the timeline, if all goes well the BC will see something by late November and the BC will come up with comments that we want to feed into the GNSO to help GNSO come up with a supporting position for the CCWG plan.

The BC can also lob our comments into the public comments if we wish. But ultimately what we want to do is influence the voting within the GNSO.

When all of that comes back by late December the staff will summarize the comments that came in as well as the positions of the chartering org.

And then we'll have to figure out how the chartering organizations want to reconcile their differences. So if one chartering org like the ccNSO had a concern with one element of the proposal we'd have to figure out how to address that concern to get them on board.

And there would be a final amended proposal going back just to the chartering org by early part of January. That would not be a public comment right, because we're going back to the chartering org.

To make things work a little faster we then proposed a face to face meeting for the charting organizations. And of course we're in there as the GNSO.

And the face to face meeting would be a couple of days log in late January. And the purpose would be to work out differences between the chartering org.

And if we get it done the charting orgs would approve that amended draft and we'd be able to hand it over to the ICANN board by the end of January. And that gets it over to NTIA rather quickly, NTIA and Congress, give it their look. And potentially we could wind up the IANA contract by September 2016. Happy to take questions Phil.

Phil Corwin: Yes thank you Steve and I don't have a question. I have an observation or two.

I've got work up to my eyeballs in this as you have too. But I have been on - I'm monitoring the email exchanges on the CCWG. I've been on some of the calls.

I know the issues you mentioned that are not all of the issues that remain to be resolved before putting this out next week.

The comments I've seen everyone agrees that the timeline we're looking at here is very tight and assumes that nothing - that there's no issue that hangs things up or really drags on. We'll see what happens.

You know, NTIA's previous position had been that they needed something by the end of the year. I think the earliest they get something now from the board if everything goes along smoothly would be around the beginning of February.

And the one other factor that's not in here but that none of us know is what language will be in the two year appropriations bill that Congress has to pass on December - by December 11 for the Department of Commerce.

Because the freeze on the transition has continued and continuing appropriations is in effect now. And we don't know if that's going to change or be the same. We don't know if the .com act is going to be loitered in there to avoid an up-and-down rifle shot Senate vote.

So the political aspect is still out there. But it's going to be challenging particularly with having the plan out for over public comment at the same time that the charting organizations are going to be reviewing it.

And those were my thoughts. Other folks on the call have questions or thoughts about the accountability process?

Okay I don't see any so is - okay so thank you Steve and thank you for the incredible job you're doing and the middle of the night calls that are involved with that.

Does anyone have any other business they want to bring up before we and the members call and move on to a short ExCom call?

Well I hear no one, I see nothing in the chat room and I see no hands raised so I'm going to terminate the call.

Our next call will probably be I'm guessing in three weeks. We'll let you know but in two weeks of course, two weeks from today is Thanksgiving Day.

I guess it's - no I know what the problem is. Two weeks from now is the council call so Susan and I can't participate and three weeks from today is Thanksgiving.

So we're probably not going to have another call for four weeks unless there's something that requires us to schedule one outside the normal Thursday timeframe. There's no point in having another call a week from now but we'll get back to you with an official announcement on that.

So at this point members can drop off. Steve and Susan please stay on for a short ExCom call.

Susan Kawaguchi: Thanks all.

END