

ICANN

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

Operator: The recording has been started.

Chantelle Doerksen: Thank you. Good morning, good afternoon and good evening. Welcome to the BC Members Call on December 3, 2015. On the call today we have Jimson Olufuye, Philip Corwin, Beth Allegretti, Angie Graves, Andy Abrams, Aparna Sridhar, David Fares, Susan Kawaguchi, Chris Wilson, Steve DelBianco, Laura Covington and Tim Chen. We have apologies from Marie Pattullo. And 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, good afternoon and good evening to everyone joining today's call. As a very brief start I want to just say that this will be the last BC Members' Meeting call that I will be presiding over in the role of chair and future calls for the next two years; I'll be on simply as one of your two Councilors. I want to thank the Executive Committee and BC members for the honor and privilege and serving you for the past half year as chair.

It's been a great learning experience and I'm happy to share anything I've learned with whoever the BC chooses to perform the chair duties for the coming year. And it gave me a much greater appreciation for what's involved in that role and the overall operations of the CSG. So it's been a good learning experience but I'm, you know, not sad to – it's something I might be interested in doing again years from now but not while I'm councilor; that has enough involved with fulfilling that role in a responsible way. But, again, it's been great to be chair of the BC. And I wish the best of luck to whoever is the next chair and who will preside over the next call.

So with that I'm going to turn it over to Steve so that he can review the policy calendar. And also so we can begin a discussion of how the BC wants to handle instructing its councilors for the very important task before us of the GNSO being one of the chartering organizations that must approve or disapprove of the third accountability proposal in a very short time period.

So, Steve, why don't you take over and lead us through the policy and then we can get into the charter – I mean, the proposal discussion.

Steve DelBianco: Yeah, thanks Phil. Chantelle, you're going to put that up in a minute, right, the policy calendar? Please put up the updated one that I sent last night. Thank you for that.

Everyone, on the Adobe screen is a PDF version of it but I emailed this last night. It was an update to the one I had sent yesterday afternoon. So we have a couple of comments that we need to finalize on today's call or potentially into tomorrow. And I want to focus on that since those are immediate deadlines.

The first thing I'll do is briefly recap that we filed the four comments in the month of November. I think an outstanding work that was led by Phil on the

preliminary issues report for the PDP of all rights protection mechanisms. It was one of the better efforts I've seen from the BC. And I especially love the way that multiple people contributed sections and then it became a matter for Phil and I to edit and pull things together. You guys did a great job on that and that was filed on November the 30th.

On the 17th we did a comments on this implementation advisory group on revisions to the ICANN procedure for Whois conflict so Cheryl, Ellen, Marie and Denise all contributed on that. Excellent effort. That went in. On November the 7th we did comments on the new gTLD auction proceeds discussion paper. That was Phil, Angie and Aparna who led the drafting on that.

And then finally, on the 7th of November we also filed comments on the phase 1 assessment of the competitive effects. That's with regard to the Affirmation of Commitments review of the new gTLD program. Chris Wilson and Cecilia drafted that with almost no disagreement from anyone else in the BC. And I appreciate the effort you guys put into that.

So again we're on pretty good track being the group who contributes the most and the most substantive comments to any of the ICANN public comment processes. So having said that, let me turn to the current open ones. And there are two of them we need to resolve in the next couple of days.

The first is a registry for dotMeet has asked whether to remove the searchable Whois service from their gTLD – their new gTLD. Now Whois is still supported for all of this and it is an open gTLD – Whois is still supported but the service called searchable Whois is something that they are asking to remove.

Now it's not a dotBrand and the BC has been supportive of removing searchable Whois from dotBrand in the past, that was for dotSharp. In this case it's not a brand but we continued to look at the analysis. And Steve Coates thankfully led the drafting on that with some help from Tim Chen. And we circulated that on the 28th of November.

Now Susan Kawaguchi offered an edit that was accepted by the drafters, we put that in. Marilyn Cade had asked a very different question that Tim Chen I think disposed of rather neatly. And so this is our last call right now to look at the very first attachment that I sent around. I'd ask any of you to please open it now because this would be the time to let me know, otherwise I will submit this on the deadline which is tomorrow.

So I'll take a queue on those who want to discuss, you know, the merits of approving or endorsing dotMeet's request to drop the searchable Whois from this registry agreement. Susan's edit, the one that was accepted by the drafters, was mainly to drop some of the rhetoric with respect to potential abuse that could happen with Whois so I think it strengthens the BC's belief that Whois is a useful service.

But remember that we are in fact – we believe that a non-searchable Whois service still provides the right balance and we are supporting dotMeet's petition to drop searchable Whois. Last call, great. Thanks again to Steve Coates and Tim Chen on that. We're going to go ahead and submit that tomorrow. Thank you.

The second one, and I'll give you a moment to open it, it's the second attachment I circulated last night. This is a more substantive discussion because this closes on December 7. And this is a review of the new gTLD program's implementation, not a review of the guidebook as it was written,

not a review of consumer trust and confidence, just a review of how it was implemented by the board and ICANN staff.

On the 24th of November we circulated a comment that was put together by Andrew Harris, Steve Coates and Denise Michel and then Andy Abrams inserted some edits and comments. And as I've often said to Andy, the comments are very insightful and brilliant but a comment itself is difficult for BC members to assess because it's sort of floated out there for everyone to consider but if nobody sees the language that we're proposing we often wind up a day before the deadline and nobody has addressed the comment.

So to lead by example what I did last night was took Andy's first comment and put in language that I thought would address it. I did the same thing with the Denise Michel comment with respect to trying to flush out what it is we're recommending. So when you open that second attachment, everyone, we have several sections in there that ought to be – that are being discussed.

The first was this notion of dotBrands, giving dotBrands something special. So I will take a queue now on that second attachment on the new gTLD program implementation. Andy, I know you're on the call. Denise, you're on the call. Would you please open the doc, take a look at what I've done on Page 1; see if you think I've covered what you've asked for. Denise, the part I brought up for you was at the bottom of Page 2. You'll see the text in red where I've updated the example of string similarity problems.

I'll wait for Andy and Denise to give me some indication whether I've covered their concerns. And then there was another comment that – I believe it was Denise who had suggested that in next week's – or Steve Coates said in next week's draft we might talk about the name collision process. And when that was submitted on November 24 that's great but if a week passes and

we're now two days from deadline, we've got to decide what to put in for that particular text.

Is there anyone who would volunteer to follow up on Steve Coates's suggestion at articulating our point of view on DNS stability and the name collisions issue? And, Denise, I appreciate you're having connectivity issues so unable to speak directly on the phone. Paul Mitchell, thanks for joining. We're walking through the second attachment, which is the BC comment on gTLD program implementation.

All right, this is not going very productively since I doubt that many of you reviewed the draft that I circulated last night so we'll have to do so via email before this is due on December 7. And we have a couple of days and I'll try to circulate that via email.

Let me turn to the third item. The third item is inter registrar transfer policy – oh, Steve Coates, thank you for volunteering to help on the collision. That's on Page 3 of the document by the way. So the IRTP – or Inter Registrar Transfer Policy – is something the BC has commented on many, many times. We have a comment period that closes about three weeks from now. And we last commented on this back in December of 2014. Now Chris Chaplow and Elisa Cooper led the way on that. I don't think either of them are on the call today.

But we do need someone else to help join the mix who's familiar with the inter registrar's transfer process. This is where registrars transfer registrations amongst themselves whether it's provoked by the registrant or some other arrangement. And it was a safeguard for registrant rights that the BC was a leader on since probably five years ago.

Any of the rest of the – I know it's a small crowd on the call today but the dozen of you who are on the call which of you have experienced positively or negatively with transfers between registrars of registration data?

Andy, thanks for the note on the edit, I appreciate that. Denise, you can do the same whether you're dialed in or not if you're able to review what I've put for you on Page 2.

All right I don't see any other hands on IRTP. Phil Corwin, your hand is up. Go ahead.

Phil Corwin: Yeah, Steve, I want to – I'm not volunteering to lead the drafting effort on this one, but this is – I've worked on previous IRTP working groups and it's an issue with which I see A members are familiar so I will ask them for some feedback on this and get it back to you. But – and I'd be happy to be part of a team to work on this but I don't want to – I don't feel I'm in a position with other things I have to get done in the next two weeks to take the lead on this effort.

Steve DelBianco: Phil, I'll note you as helping but not leading, okay?

Phil Corwin: Thank you.

Steve DelBianco: Now, Phil, Chris Chaplow and Elisa Cooper are not on the line today but I will follow up with them deliberately right after the call and see if I can get them to reprise the work they did for us about a year ago.

Susan Kawaguchi: Steve, this is Susan. I can also take a look at that.

Steve DelBianco: Thank you, Susan. Appreciate that. Susan, do you want to take the lead as drafter or just be added to the other three?

Susan Kawaguchi:I can draft.

Steve DelBianco: Fantastic. That's outstanding. Appreciate it, Susan.

Susan Kawaguchi:No problem.

Steve DelBianco: Any others? Angie Graves, thank you Angie. All right now we have a team. That's great. So let's move to the fourth item under the pending public comments. It's the accountability – the draft proposal on Work Stream 1. Let me reserve that for a more full-fledged discussion pursuant to what Phil brought up at the beginning of the call.

And the final item here is that ICANN is calling for volunteers and comments on a new marketplace health index that they have proposed. And I think this is one of those instances where ICANN is beginning to act like a trade association for the registrars and registries that it serves – the contract parties as it were – and wants to try to assess the health of that marketplace. This is not necessarily an AOC style consumer protection, consumer trust, consumer choice but rather the health of those contract parties who participate.

So that closes the 8th of January. And I wanted to get some sense of volunteers in the BC who would be interested in participating at coming up with a health index – a gTLD marketplace health index. Phil, your hand is still up from earlier or are you earlier in working on this?

Phil Corwin: No, no sorry, I'll put my hand down, Steve.

Steve DelBianco: Okay.

Phil Corwin: No, I'm – find this an interesting topic.

Steve DelBianco: It is. And, you know, there are some who might say this is not ICANN's job, ICANN is not a trade association of contract parties, it shouldn't be undertaking this. But there is a lot of pressure. And Fadi Chehadé led the way on a lot of this when he would meet with the executives of registrars and registries and talk about the industry, improving its image. The industry improving its profitability or its market survivability.

And we know, Corwin – Phil Corwin has brought this up many times is there's likely to be a significant shakeout at the gTLD registry marketplace level as renewals of registrations come in below expectations or registries find that their marketing costs exceed their ability to generate the registration revenue they'd hoped for. There is likely to be some shakeout. That will generate revenue shortfalls at ICANN; it'll generate calls from the contract parties for reductions in fees, reductions in requirements for them to do things like providing insurance. Remember the commercial insurance discussion the gTLD was involved in with regard to registrars.

There'll be lots of calls for things to buttress the health of a marketplace that ICANN facilitated by the expansion of the gTLD space. And the BC may have points of view all over the map on that but those points of view are best expressed if we have somebody who's got the time to volunteer on a relatively short project to come up with a health index proposal.

And Angie Graves, thank you very much for volunteering on behalf of the BC. I neglected to mention that earlier. Thank you, Angie. Angie, are you able

to share with us anything about what you've heard from ICANN staff, Amy Bivins in particular, about how they're going to run this project?

Angie Graves: No, she in fact put me on hold. She's working on another thing right now. And acknowledged receipt of my volunteer email and said that she would be in touch the first week of January. So I've got no insight at all, yeah.

Steve DelBianco: Angie, thank you. As soon as you obtain any insight that would help to maybe motivate other BC members to assist you on this, circulate it to the BC private list, don't wait until the deadlines. If somebody is intrigued at joining you to represent the BC on that project it would be great to get them in the queue before the 8th.

Angie Graves: Sure, agreed. And I'm happy to see Paul Mitchell joining so that's great too. Thank you.

Steve DelBianco: Thank you, Paul. Appreciate that. Great. Let me give you an update on the next item, the reconsideration request and you can scroll up, we're now into the middle of Page 2 of the policy calendar, everyone. As you know, we have filed a joint reconsideration request in the middle of October and that followed up on the work we began in June of this year when ICANN renewed some legacy-sponsored TLDs like dotTravel and later dotCat and dotPro.

ICANN – I don't know if insisted or suggested that that registry use the new registry agreements that were used for the expanded gTLDs. And that included then some rights protection mechanisms that had not had the benefit of a bottom up development process. And one of those is the URS or uniform rapid suspension system.

So the BC, on simply a matter of principle, said that ICANN shouldn't be adopting policies in new contracts if those policies and mechanisms had not yet been through something like a PDP or any form of a bottom up development. The BC did not say anything positive or negative about the URS because I believe that we think that better rights protection mechanisms make sense to protect business registrants and users. But the idea of imposing it on contract parties was the principle issue that we had a concern with.

And that principle issue put us at odds with our friends in the Intellectual Property Constituency but it was something that was embraced by the ISPs and, believe it nor, by the Non Commercial Stakeholder Group who joined the BC on that reconsideration request.

And a reconsideration request is where we ask the board, namely a board governance committee, to reconsider a decision the board had just made. The decision we challenged was ICANN's decision to sign these new contracts with dotCat and dotPro that included a URS. Now the board was supposed to reply in 30 days. They make a goal of 30 days; it's not a legislative requirement. And they missed that because that would of course have been November 13.

And the board tentatively had us scheduled for their December meeting and on December 1 the board published an update and our reconsideration request was not part of it. So we are presumably bumped into the early part of next year.

We discussed with the NCSG whether we would raise hell about the delay and considered it would be better for us to hold our powder dry on that. We're going to watch to be sure that ICANN doesn't attempt to sign another registry

agreement with a legacy provider without addressing the concerns that we've raised. But meanwhile we are probably not going to get to this until January.

Now, Phil, let me turn to you for a moment. Is there anything further you want to add on this reconsideration request before we...

Phil Corwin: Well, yeah, just a few details, Steve. And thanks for that background. Yeah, we did note that they had missed the 30 days. I did actually – I took a look at the pending reconsideration request and the BGC is running behind on quite a number, the ones they're going to discuss in – at their next meeting in early December are also more than 30 days overdue so I don't think it's any, you know, they're not targeting us so we're not being discriminated against.

And I think the key thing here is that legal staff if we haven't been summarily dismissed on procedural grounds by now I don't think that's going to happen. The other thing to put this in context, the comment letter we just filed on the review of all rights protection mechanisms and all TLDs notes that the issue of the – of whether the new TLD RPMs and putting a spotlight on the URS should become consensus policies, was an overarching issue for that review and that it also involved the transition issue.

So actually one of the things in our reconsideration request is pointing out that now we have a – we're moving toward a PDP which considers the very question that's being done contractually by GDD staff and that they're action did not consider any of the transition details, one of which is that if you're a registrant at a TLD and depending on the way your registration agreement is signed, if you've agreed to be bound by the UDRP in any consensus policies and you're at dotCat and suddenly you're hit with a URS.

You know, I'm not excusing any conduct that might have triggered the URS but there's a legal question whether you're bound by that opinion, whether you're registrar agreement covers the insertion of that policy through contractual means. So we'll just see what the board says when they say it, we expect to hear something in January.

Steve DelBianco: Thanks, Phil. Any questions from BC members on this reconsideration? All right, seeing none let me turn now to the accountability – the CCWG – Cross Community Working Group on Accountability. And I'm one of the active participants there. Phil Corwin has been on nearly every call and really have appreciated all of the support that you've brought. And then we've had plenty of presence from the Commercial Stakeholder Group. This is a group that was launched about a year ago in response to the transition – the IANA transition that NTIA put into play in March of 2014.

Initially that IANA transition was only with respect to the IANA functions, naming, numbers and protocols, but the community came together last summer to insist that if the US government was to step out of its oversight role as the IANA contract holder, that the community itself needed to leverage that opportunity to achieve more community accountability from ICANN's board and management since NTIA would no longer have the discipline or leverage of withdrawing the IANA contract if ICANN failed to serve and failed to be accountable to the community itself.

That launched a yearlong effort now to come up with proposals to strengthen the community's ability to challenge the actions and inactions of the board and management and to hold them accountable for actions and inactions. The BC got in front of that in May of 2014 when we first came up with a series of mechanisms to increase accountability, mechanisms like bringing the Affirmation of Commitments into the bylaws, mechanisms like a strengthened

independent review process and reconsideration whereby the substance of a decision could be challenged, not just whether ICANN followed the right process.

We talked about increasing transparency in how ICANN conducts itself. We said that the ICANN community ought to be able to spill the board of directors and recall a board member if we felt they were not properly interpreting the community's needs but instead were following a fiduciary duty to the corporation where the community had a different view on what the duty to the Internet community should be.

We also talked about Stress Test 18 and the need for the ICANN board to resist being drawn into a situation where it had to arbitrate between governments who disagreed on advice. And the governments could do that if they simply moved to a majority voting instead of their current consensus method on the advice that they send over.

We also talked about the ability of a community itself to launch an IRP where ICANN would bear the legal costs if the community itself came together with sufficient consensus to challenge an action and inaction of the corporation. These are incredibly strong recommendations. And a year and a half ago it didn't look like we were going to get very far but now we're in the final throws, we're in the third and hopefully final draft of this accountability proposal. And nearly all of the BC's original mechanisms are there.

The details have changed in some respects and it's far from being a perfect proposal but I'm glad to say that the leadership we provided earlier on has come through. Where are we now? Well, on Monday we published this third draft proposal from the CCWG on Accountability. And it's roughly 60-some

pages. And it's meant to be a top down summary of the 12 recommendations that we're making in Work Stream 1.

There are annexes that total hundreds of pages where the details appear. And the Work Stream 1 concept is meant to say which of these mechanisms and implemented bylaws changes have to be done before the IANA transition. We're calling those Work Stream 1. And Work Stream 2 would be other elements that we want to implement after the transition.

But a lot of you understand that Work Stream 2 might never get done if anything we tried to do in Work Stream 2 encountered resistance from ICANN's management or board because the leverage of the IANA transition will have been lost once it occurs. Therefore we added a rationale that Work Stream 1 also had to include sufficient leverage for the community to overcome resistance from ICANN's board and management and legal team the things that wanted to do in Work Stream 2.

I'll give you just one simple example, the BC itself had suggested in the comments we filed in September that ICANN have a greater degree of transparency about its dealings with governments. And we asked that that be in Work Stream 1. The BC did not achieve sufficient consensus from other groups to get that into Work Stream 1 so it's going to be part of Work Stream 2.

But the key is that if we come up in Work Stream 2 with a strong transparency requirement and ICANN Legal resists it, we have to turn to the powers that we would have as a community to challenge ICANN Legal and challenge the board on that and ultimately pursue that challenge as an IRP, a reconsideration and even if we had to to spill our director on the board or all the board of

directors if they were resisting Work Stream 2 measures that had the broad support of the community.

So there are 12 recommendations in there. And I know Phil doesn't intend for us to go through all 12 on this call. As your rapporteur on this group, what I've done is begun to go through the recommendations and map them to the BC's comments in September to understand where we've made progress in the third draft or where we still have things we need to change.

If we come up with ideas where we have a recommendation that needs to be approved the BC itself could file a public comment by 21 December. And I'm very confident we could do that.

But that would actually be a tree falling in the forest since the public comment is not where the action is. The action happens in the charting organizations. There are six charting organizations that set up the CCWG.

And our charter requires us to ask those charting organizations do you support or do you oppose these 12 recommendations for accountability?

And of course we are part of the GNSO. And Phil sent a cover note to all of you this morning asking the key questions about how do we help to shape GNSO Council's resolution?

I'm envisioning a single resolution would be introduced in council and the BC could take the lead on this.

And that resolution would treat each of the 12 recommendations maybe it would lump together those recommendations that we believe that the council should support.

We'd have to single out recommendations where there's going to be a split opinion within GNSO. Sometimes that split opinion would be between the noncontract and the contract parties and other times a split opinion will be on the noncontract house where we and the BC would differ with the Non-Commercial Stakeholders Group.

Remembering this that in the and when the council considers a resolution the requirement for a resolution like this would be a majority of each house in the GNSO.

So there's the Contract Party House Registrars and Registries, and the Noncontract Party House, which is the CSG and the Non-Commercial.

A majority of each of them is required to support a resolution. So you can envision that some of the recommendations would have a tough time mustering the majority of both houses. And the council itself could find itself being silent on a certain recommendation that was made.

To focus your attention on where that shows up the BC raised in its public comments a concern that the new mission statement might be interpreted to prevent ICANN from enforcing contracts specifically public interest commitments or even contract commitments that were made by the applicant.

I love to bring up the example of .bank whose application indicated they would only allow chartered financial institutions to be registrants in .bank.

And both business users as well as registrars would count upon that if they decided to move their registrations from com to .bank. And we would expect

ICANN to enforce those promises since they are in the contract that ICANN signed

And that controversy has rocked back and forth and is currently settling down in a way that I think gives the BC most of what we're concerned about.

For instance on Page 10 of Annex 5 ICANN shall have the ability to negotiate, enter into and enforce agreements with contracted parties in service of its mission. You know, that's a pretty strong solution to what the BC was concerned about.

And on Page 39 of the proposal quote, for the avoidance of doubt the language of existing registry agreements and registrar accreditation agreement should be grandfathered.

And that provoked a long discussion with our colleagues on the CCWG as to what grandfathered meant?

And this language is definitely going to have to be vetted by the attorneys that are helping CCWG draft the bylaws themselves.

But that's an example of something that the BC and IPC would feel strongly about but we will probably encounter resistance from the Internet service Providers, the ISPs. And I know that the Noncommercial Stakeholders Group will oppose it.

So we have gotten on our hands as Phil indicated in his last email between now and the next council meeting.

Now the next council meeting is December 17. And the first one after that would be on January 14 or potentially the 21st as Phil indicated.

So let's try because let's try because I think we can do it. We have done so much work on this project before that I believe the BC can look at the 12 recommendation and I can map them against the ten concerns that the BC raised in September on the second draft and suggest which of the recommendations still need further work or which the BC can support today.

And if we were able to move that to completion in the next two weeks the BC could take a lead at crafting a resolution and beginning the process of getting it through council.

So my belief Phil is that we can do it. And I'm willing to take the lead on that drafting. But I realize that you want to put this out in general for the full BC to discuss the relative reasonability of timing things for the December 21 cut off and the December 17 council meeting.

So Phil I'll toss it back to you to see if you want to add some color and ask other questions on that.

Phil Corwin: Thanks for all that background Steve. And we're at 11:38. We're 38 minutes into the call. I want to get on to other things in a few minutes.

But for me -- and I haven't talked to her in advance but I would knowing Susan I would think the same -- your counselors want to accurately represent the consensus BC view on this very important question.

This accountability proposal if it's approved if it goes to the board and they embrace it it's going to be the new structure we're going to live with for years to come.

And if we're not going to - I'm not interested right now in discreet policy issues it's a question of timing.

The next council meeting is two weeks from today. To get a resolution approved at that meeting the BC would have to have BC members I would think at least some of you would want to read the full 56 page report and at least some of those many, many appendixes to it on issues that concern you.

We'd have to have an internal discussion by email. We might have to - I think we'd want to at least touch base with our other partners in the CSG and see if they have concerns or what their views are.

And they would have to be a resolution drafted all in a two-week period. Is that doable? Is that what we want to aim for? It would also be four days before the close of the public comment period.

Now the boards already said it's going to file a comment. We don't know when that comments going to be filed.

But I think we all want to see what the boards reaction is to this given the, you know, what happened before Dublin where they came out and very late in the process and said we don't like the member model which is why we now have a designator model that we're considering.

So I would point out if we don't make it on the 17th I would press I would think we'd all want to press for the next council meeting to be on January 14

which is eight days prior to the target date for delivering it to the board. And clearly that would permit some more time for everything that needs to be done.

So I see Denise Michel's hand up. I invite her to speak now and anyone else who wants to speak. And then with only 15 participants on the call I think we're going to, you know, we just can't rely on this call we have to I think survey the BC membership.

And within the next few days get a firm indication of - on the time in question whether we should be pressing for a council decision within two weeks or whether we're think it would be the alternative we prefer the alternative of shooting for a council decision on January 14.

So Denise why don't you go ahead and we'll see if anyone - if anyone else wants to speak on this right now please raise your hand. So Denise please go ahead?

Denise Michel: Thank you Phil and thanks Steve for this enormous amount of work. It's jaw dropping actually.

I have read through it. And I will provide a number of comments for the BC to consider. I support your idea that the BC could perhaps hold the pen or be in the lead in crafting the council resolution on this. I think that's a great idea.

I'd like some clarification or just perhaps additional information on what will - Steve if you could outline the series of next steps after this public comment period closes and the SOs and ACs provide input what happens next?

It's a two-part question. There's that and then I guess I have a question for either Steve or Phil about did we make any - what was the result of the number of constituencies seeking in addition additional time on all of this?

Steve DelBianco: Thanks Denise, it's Steve. Phil I guess pressing the council isn't what I was suggesting but being prepared if council is to move.

I think the BC to serve the members on this call we ought to be prepared in case council decides they want to try to consider a resolution on the 17th.

And as your rapporteur on this I'm willing to map all of the BC's concerns from September against the 12 recommendations in the report and give all of you probably by Monday an analysis of what we wanted and what we got and what we didn't get.

And that I understand is just a platform because it may be that Denise just indicated that there are new concerns about moving from member to designator for instance are new concerns about things that we did that weren't evident in the September comment.

And that'll be a conversation the BC can have on a special call next week and/or potentially do it through emails. Denise you asked about...

Denise Michel: Yes I wasn't yes I'm sorry I wasn't suggesting we (unintelligible) but this issue is more moving through the council I support your idea that business constituencies should be prepared and...

Steve DelBianco: Okay.

Denise Michel: ...be able to significantly contribute to a council's resolution.

And while I may have some new suggestions, you know, what's really caught my eye in just the first brush through this proposal is the unfinished nature of some parts and the sort of broad language in various areas that leave quite a lot to interpretation.

So I have – I will have questions and issues around that. But that really ties into my second question is and I apologize if I missed this on the Web site but what's the process and schedule from here to the end? Could you just sort of outline there for us?

Steve DelBianco: It still is but the most important part of it is why are we in such a dog gone hurry?

Denise Michel: Yes.

Steve DelBianco: And that is driven from ICANN through ICANN's Board, leadership and the staff of ICANN who are supporting the CCWG's efforts.

They're under the belief that it's essential to do the transition by the September expiration of the IANA contract September 2016.

And then working backwards from there from September there has to be so many months for the implementation of the bylaws changes themselves.

There has to be as much as two months of time for the U.S. Congress to conduct its review under the Dot Com Act of whether the conditions have been met.

There has to be one to two months for NTIA to take the communities proposal and to assess whether it's met NTIA's requirements and prepare its report for Congress.

There has to be about a week for ICANN's Board to take the proposal and pass it on to NTIA. So again everyone I'm working backwards from September right now.

And when you work backwards from September adding all those months in that I've just placed ICANN's management came up with the goal that said we had to get it to NTIA by the end of January.

For that to happen the chartering organizations had to give their approval in the month of December. And then CCWG per our charter has to take let's suppose we have six chartering organizations and we have 12 different recommendations and let's suppose that four or five of the chartering orgs have concerns with some of the 12 recommendations and those concerns are not consistent they might even be divergent.

So then Denise you know what's supposed to happen next the CCWG is supposed to take the chartering organizations views and try to reconcile them together into a supplemental proposal where we try to split the difference, try to make the chartering orgs happy with the compromise and present that back to the chartering organizations in early January.

Those chartering orgs -- and I'm talking about folks like the GAC which take quite a while to come together on a position -- those chartering orgs have to then consider the supplemental draft in mid-January so that an approval of a supplemental draft could go to ICANN's Board before the end of January, ICANN's Board will put it to NTIA in February.

So all of that timeline is phenomenally aggressive particularly given the vague nature of some of the proposals in here and I got that message from BC members and delivered it on list that we weren't in an absolute rush to get this done.

We believe that the timelines can be compressed. That NTIA could work faster than 90 days. We believe that the congressional calendar is sort of dictated. There isn't much we can do about that.

But NTIA's movement can be faster and that ICANN's movement on implementing the bylaws could be faster. So there must be some room in there for some extension.

And yet arguing for the extension right now has been a fool's errand. I've been unable to just say let's extend but instead let's aspire to meet the deadline sorry the timeline that's been laid out.

And if it turns out it's just too aggressive the GNSO, ccNSO, and GAC, and ALAC just can't turn it around and they don't all agree then it will be obvious that we will extend.

And we will extend because we need an extension as opposed to claiming before we've even tried that the timeline is too aggressive.

So I'm just sharing with you the dilemma I'm having inside of CCWG where I'm among the leadership is that I'm up against co-chairs and ICANN staff that want to at least try to make this timeline as opposed to declare defeat on the timeline before we've even started.

Phil Corwin: But thank you Steve. We're at 49 minutes past the hour. We're going to have to break from this topic but I think we'll continue it online.

And meanwhile I'd suggest that your counselors should reach out to the other members of council and ask what their thinking is or do they - are they, you know, are there contracted parties, or are fellow members of the CSG looking to try to get a resolution adopted at our next meeting on the 17th or do they think it's more - more practical to look toward finishing that task in the first half of January.

I will note that NCSG did file a minority statement expressing concern with the way the Stress Test 18 came out. And also protested they thought 21 days was insufficient for public comment particularly because translations won't be ready until I think the 14th of this month.

So we're going to stop that there. We'll continue it online. And I think Susan and I can reach out to the other members of council and try to get a - take the temperature on what they're thinking is.

So, Chantelle can we get the agenda back up and see what we have left? I think we can dispose of those items fairly quickly.

Okay council update I'll hit this quickly. Susan may want to chime in particularly on the first item. Council - the last meeting was on November 19. Two resolutions were adopted. One was the charter for the next generation gTLD Registration Directory Service. You have a resolved clause in the agenda.

The other was the approval the referral request to the standing committee on improvements. And that was about the timing of candidates for running for council offices.

So Susan did you have anything you want to say about NextGen Registration Directory? You've been so involved in that one?

Susan Kawaguchi: Just really quickly it was the longest discussion I've ever been involved in on council for a motion. But I think we came to a good place and with an agreement and the motion was approved. So - but it did take a lot of discussion and a little bit of backdoor discussions to move it forward.

Phil Corwin: Thank you. Thank you moving on to the CSG report. I think David has, David are you still yes David's still...

David Fares: Yes.

Phil Corwin: ...showing in the chat room.

David Fares: Yes. I'm still here.

Phil Corwin: I listed two items one is we - the CSG members have begun and Chris Wilson has volunteered to participate in this, I've been participating.

This is planning for the noncommercial party's house Intersessional, which is now scheduled for February 4 and fifth in Los Angeles.

And I think the BC gets seven up to seven slots at that meeting. We still have room for some others to be there representing the BC.

So we'll - I don't want to take up time on this call but we'll figure out a procedure for soliciting the participation in that and deciding who will be there besides the officers who can attend.

And the other matter is we're discussing how CSG and GNSO could - should handle endorsement of those who have volunteered to be participants in the CCT review knowing that whatever we do in terms of endorsement may not matter at all to Fadi Chehadé. And I'm suddenly blanking on the chair of the GAC, someone help me here.

But there yes Thomas Schneider. Yes they're the ones who are going to make the decision. So we have no idea what weight endorsements may carry. David anything to say on those topics?

David Fares: I mean you pretty much covered it. The only thing I would add on the Intersessional to date they're attendees that have expressed interest are you Phil, Steve DelBianco, and Jimson and Denise Michel.

So we've got room for three more BC members to participate in the Intersessional on the fourth and fifth in Los Angeles.

And then regarding the review teams I know that Susan has been involved in the debate on this and has been advocating that the GNSO should ensure that it has a majority of the seats since it's the GNSO who makes gTLD decisions. And Susan I don't know if there's anything else you want to add on that?

Susan Kawaguchi: Just really quickly I did send a proposal to the GNSO Council that each of the constituencies not just stakeholder groups endorse a candidate but there's definitely been push back on that.

So - but we - I do think we're in a much better place than we were a couple of weeks ago when the original proposal was four endorsements in the GNSO.

It looks like we may endorse at least ten. And once again like Phil said, you know, there's no, you know, guarantee that those endorsements will be respected and chosen but at least if we make a strong statement, you know, we're in a better situation for the GNSO. So...

David Fares: Other than that Phil I think that's enough given the time.

Phil Corwin: Okay. And thank you. And I just want to note since you had noted that...

David Fares: Can I just say one quick thing since I too am no longer going to be on the ExCom? I just wanted to thank my ExCom colleagues and all the members for your support over the last year as your CSG rep.

Phil Corwin: Thank you David. And thank you for the great job you've done over the past year.

And I just want to note for the record that David mentioned that Denise Michel would be one of the BC reps at the Intersessional.

That is because Susan cannot attend and has asked that since Denise works with her at Facebook that she be allowed to attend in her place. And that courtesy is being granted. So in case anyone was wondering about that.

Let me move on to the operations and finance report. Jimson?

Jimson Olufuye: Yes thank you Phil. Good evening everyone, or good morning/afternoon. This is Jimson here. I did send a smart report to the list, talking about our current state of finance and membership in BC.

Right now we have 57 associated members. And we have some members with their opinion changing. So we have the full details there on the smart report.

Of importance, is that we account balanced which is a roundabout 108,000 Euros, the current account balance of BC.

On Operations, members that were a part of the BC to be incorporated as a part of the BC organization is in progress, the list so this, as you know, members have tremendous ability to pay their dues using their business tax ID.

At this point and as discussed in Dublin the fundamental incorporated text is proposed to be included in our Charter.

To take care of the appointment of the legal council Greenberg and Lieberman who is responsible for filing annual tax returns.

So if you'll check your email, you'll see the draft says "The position of General Counsel for the BC is thereby created. The appointed General Counsel , who will not be a member of the constituency, shall be an officer of the BC empowered to act solely as directed by the ExCom of the BC. The General Counsel shall not have the power to vote with the other officers on any matters whatsoever."

So the smart thing we put together this was we have consensus on at this time in the charter what it takes to be authorization of the (unintelligible) of a

General Counsel going forward. So if there's any objection to this it will be most (unintelligible) anymore.

And lastly, while you have already committed to enhancing BC website, you can see the general website we have we already worked on but is not yet into production.

So ICANN proposed to the members - membership ELP application called Memberclicks. So I think this will help a good deal in operations in the BC.

So once we – once I received the ExCom authorization we are able to activate it.

So this is definitely about Operations. And I'd like to also again I like to thank you for your support particularly the FC the Finance Committee and ExCom. Thank you.

Phil Corwin: Well thank you Jimson. I don't see any hands up in regard to your report so don't seem to be any questions.

We're at 59 minutes past the hour. Does anyone have any other business they want to raise? I don't hear anything. I don't see anything.

I do want to note that there's a typo here. The next BC call will be on December 17 two weeks from today not the 16th. That's a typo, my mistake.

And it will be - that call will be led by the new chair and my best of luck to both candidates for the chair position.

And I'm happy to help share help you in any way and to share whatever I've learned about handling the chair duties.

So with either of you depending on the election results but again it's been my great honor and privilege to chair the BC the past half year.

I appreciate the confidence you placed in me to do that. And I look forward to turning over those duties to our newly elected chair on the December 17 call. And with that we're going to wrap it up and we can stop recording. Thank you.

Chantelle Doerksen: Thank you everyone. Once again the meeting has been adjourned.
Operator you can now stop the recording.

END