

ICANN

**Moderator: Gisella Gruber-White
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Chantelle Doerksen: Good afternoon and good evening. Welcome to the BC Members' call on the 17th of December 2015. On the call today we have Philip Corwin, Chris Wilson, Steve DelBianco, Jimson Olufuye- who will be joining us shortly, Susan Kawguchi, Jay Chapman, Cheryl Miller, Andy Abrams, Aparna Sridhar, Angie Graves, Elisa Cooper, Beth Allegretti, Barbara Wanner, Andrew Harris, Steve Coates, and Marie Pattullo.

From staff we have Michelle DeSmyter, and myself, Chantelle Doerksen. We have apologies from David Fares.

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.

Laura Covington: Hi, Phil. Laura Covington is on. I just dialed in a minute ago. I'm going to need some additional time. Bye. I mean not bye but I'll be on hold.

Denise Michel: This is Denise Michel. I got missed.

Philip Corwin: Okay. This is Phil. Let's get started. Welcome everyone. Good morning to those in the U.S. and good day to the rest.

First of all this will be our final BC member call of 2015 with the upcoming holidays. It's the last call that I will preside over as Chair. So I just want to say it's been my honor and privilege to serve the constituency, which I believe is the - far and away the best constituency in the GNSO and proves it all the time.

Our new officers take their seats officially on January 4, but your ExCom to assure a smooth transition has already added Chris and -- I'm blanking here -- to the ExCom list -- Cheryl. And we also, Chris and I prepared the agenda for today's call together so we're making sure that it's a very smooth transition with no break in continuity.

A brief report, I was on a one-hour this morning SO-AC leaders call with the board and senior staff regarding the comments that the board filed on the CCWG accountability proposal last week. Many of you may have reviewed those comments. I suggest you do.

The board - they comment on a lot of items but focused in on five where they have significant concerns and wants and suggests changes that's on the scope of inspection rights, who votes on the IANA budget, changes to the mission statement dealing with human rights, and the breadth of Work Stream 2. Some pretty important items there.

There were some questions asked this morning. Steve DelBianco asked a question regarding how this might affect the timing. Steve Crocker said that they - the board had limited its concerns and hoped for a rapid resolution of

the items its raised and that - Fadi added that this is the comment period and the CCWG presumably planned enough time to deal with comments including the board comments.

Fadi insisted twice during the call that the expedited timeline we're on now was completely the choice of the community, the CCWG, and that there had been no pressure from staff. Take that as you will. Fadi also talked about the appropriations bill and the fact that Dot-Com wasn't in there. He did not mention the fact that the IANA transition freeze had been extended to September 30, 2016. So I made a comment on the call to that effect.

But I think there's general agreement that regardless of the appropriations bill provision the best course for the community is to keep working as expeditiously as possible and to put out the best possible proposal for congressional review. That's the best way to assure that the freeze comes off on October 1 next year.

So I'm going to stop there, see if there any questions on - regarding that call and then turn things over to Steve DelBianco for the policy discussion. So any questions or comments on the call this morning to discuss the board comments on the CCWG proposal?

Well seeing no hands raised and hearing no one speaking up to comment, I'm going to turn it over to Steve. Steve is joining us from Amtrack going from Washington to New York. So we're hoping his connectivity last through his portion of the call. So take it away, Steve.

David Fares: This is David. If I could just interject very quickly. Unfortunately I don't have Internet access. I have to drop off 4:30 and if we could CSG after Steve that would be great.

Philip Corwin: Okay. We'll get right to you after Steve.

David Fares: Thanks.

Philip Corwin: Well, Steve...

Steve DelBianco: I'm here.

Philip Corwin: Yes. Should we let David go first because we booked you for 25 minutes and he has to drop in about 22?

Steve DelBianco: Yes let's do that.

Philip Corwin: Yes, David, go ahead, give us an update and then we'll get into the policy.

David Fares: Okay. I'll be very quick actually. So there's a lot of ongoing conversation among the CSG and the ExCom regarding the CCT delegate appointments. And we had two candidates as the BC. One was Waudo and one was Cecilia Smith. We also have I think five from the IPC, if that's correct. I'm sorry, my computer's not working right now so I don't have the information right in front of me.

Philip Corwin: I believe you're right on that and the ISPs put in three names yesterday. Waudo was one of their names.

David Fares: Right. So we are now working with our CSG colleagues to figure out what type of process we will have to endorse different candidates for the CCT. The original thought of the ExCom was that since Waudo has been supported by

the ISPs that we would support Cecilia and that would actually also advance gender diversity since she would be the only woman that is on the list.

We wanted to open up that to member comment to see if they were generally in agreement with that. I don't have the list of the names, I'm sorry, of the IPC folks, but the ExCom was willing to support Jonathan Zuck and David Taylor, I know. I don't remember the other three that they were supporting without my computer in front of me. I'm really sorry.

But that's basically where we are on the CCT appointments. And, Phil, I'm not sure if you want to open it up for conversation of if we should have a conversation with the CSG and figure out what type of process we're going to adopt and then put it back to the members via e-mail.

Philip Corwin: Yes thanks, David. I just want to add a quick comment. I don't think - and then we'll try to resolve this with the CSG. I know Susan and I have to speak to this on the Council call, which starts at 1 pm Eastern. We're in a situation where the - where frankly the - there was some confusion from the new Chair of the GNSO Council regarding the process and the number of endorsements per constituency or stakeholder group.

But we're now in a situation where the registries and the registrars have submitted three names each, where the NCSG has submitted three names. And if we add Cecilia to the five names that IPC has put out and the three that ISPs have, that's nine names total, which is equal to the total for the other three stakeholder groups.

It's my view, and Susan has chimed in in agreement on a discussion we've been having on the ExCom list, that it would - we're courting unnecessary friction with the other stakeholder groups on this by presenting a CSG list

that's as big as the other three stakeholder groups put together. I have to say that the IPC in particular has a very different view and thinks we're falling into a trap of always being limited to one person per constituency.

I would add that we have no idea what the endorsements will mean to Fadi and Thomas Schneider, who will do the actual picking of the members of the review team, and there's some concern on my part and other members of the ExCom that the more people we put forward, the more that we dilute the value of those endorsements.

But right now, the BC - the ExCom seems inclined to just put forward Cecilia's name and let the IPC and ISPs take a more aggressive stance on this. So I'll take one or two very quick comments on that if anyone wants to speak. But then we'll go right to policy with Steve.

Steve DelBianco: Hey, Phil, it's Steve. On this topic, under the current affirmation of commitments, which governs the review until we move it to the bylaws, it is up to the Chair of ICANN and the Chair of the GAC, the members of the affirmation of commitments review team. And they're supposed to look at considerations such as diversity.

So you're very correct on trying to focus a few of our candidates. There's no hard and fast rule about how many spots the GNSO would get on a review team that's completely focused on what the GNSO does. So it is sensible for us to certainly seek more than a few, but I do think you're right. We should seek diversity and spread it so that the GNSO itself gets several. And ideally the CSG could get as many as three. So I appreciate that you're going with the part where you're going with it.

Philip Corwin: Okay. Hey thank you for that, Steve, for that support on the general direction we're going. I don't see any hands raised so why don't we go right into the policy review?

Susan Kawaguchi: Phil?

Philip Corwin: Yes?

Susan Kawaguchi: This is Susan. Sorry I'm not on Adobe.

Philip Corwin: Sure. Hi, Susan.

Susan Kawaguchi: Hi. So one of the key elements here is Cecilia is the only woman that is being nominated as far as I can see from all the lists. So I think it's really important that we push. We need that gender diversity. Waudo has already been endorsed, or is proposed to be endorsed. So it's sort of a win-win for us. We've gotten our candidates out there, but, you know, I'm a little bit disheartened that there are no other women being endorsed for this.

Philip Corwin: Yes I agree. And we'll make sure Cecilia is - at least the BC will be alone among the groups within the GNSO backing a woman for one of these slots on the review team.

Anything else before we turn it over to Steve? Okay, Steve, go ahead.

Steve DelBianco: All right thanks everyone. On the screen in front of you is the Policy Calendar I sent out two days ago with respect to what's recently filed. I'll just talk about the last two since our previous call.

On the 8th of December we had a very substantial comment on the initial draft report for a review of how well ICANN implemented the new gTLD program. It's in the very early stages of a staff-driven review of how they implemented all the guidelines in the guidebook. There are several other concurrent future reviews of the gTLD program. But this particular one gets into the nitty-gritty of how staff implemented things like the rights protection mechanisms application and evaluation.

I want to thank Andrew Harris. You took the initial draft and there was a fantastic exchange and several comments from Steve Coates and Andy Abrams and Denise Michel. We did have to extend it a bit to get it in. We were one day late, but we informed ICANN staff that we were trying to finalize the final edit and they were okay with that. So we made it. We're one of 16 comments submitted.

On the fourth of December, we put in a brief comment supporting the removal of searchable Whois service from the .MEET registry agreement. Steve Coates, I know you're on the line, thank you for drafting that. And for Tim and Susan, who made a few edits as well.

Let me jump down to the current set of open public comments. That's the bottom of Page 1. We have several that are open right now. We're going to need to quickly recruit some volunteers in order to get our work done again. The very first one on there is due on Monday, December the 21st. It's about final basic - basically a final proposal for implementing the GDP recommendations on the inter-registrar transfer policy IRTP Part D.

Now we commented on this about one year ago. Chris Chaplow and Elisa Cooper were our drafters. They did a great job. And we need to quickly

understand whether the final implementation here is on track with comments that we had earlier. It's an opportunity for us to weigh in.

On our last call, Susan, you offered to draft -- I know your schedules been crazy -- and then Phil Corwin and Angie had offered to edit that. Susan, what's -- I think you're on the line, a voice line, Susan -- so share with us the status on the likelihood of seeing something over the weekend.

Susan Kawaguchi: I was really hoping to have to have this by Tuesday. But I have read both documents, our comments and the new. I'm not seeing anything glaring but I need to go back and review. I think it'll be a quick comment. So hopefully tomorrow I'll have something.

Steve DelBianco: Susan thanks for that. So I'll look for that from you Friday and I'll circulate it very quickly to BC members for an expedited weekend review. Thank you.

Number two on here is the topic that Phil Corwin briefly discussed and the bane of my existence, is the Cross-Community Working Group on Accountability. We put out our third draft proposal, and the BC members are aware that we have two ways to comment on this. One way is a public comment and that closes on Monday. And the more important way we can influence things is to affect the GNSO's resolution on all 12 of the recommendations.

I want to thank the many BC members who responded superbly when I put a draft or framework. And I circulated all the updates to that framework on the 12th of December. That's the first attachment in today's public calendar. And I believe what we've done is we've structured the BC's concerns around each of the 12 recommendations where we can note our concerns. And that matches

with the public comment submission template, which many of you have seen it.

It's really just a survey where they list each of the 12 recommendations and you have an indication of support or not, with a big box to put your concerns or comments in. And what that creates is a little bit of a dilemma for the BC, which I noted in my notes the other day is that if we have significant concerns, say, about the mission statement, do we say that we support the comments on what it would require for support, or do we say we oppose unless concerns are addressed.

Another alternative is to not check either support or oppose and simply indicate our concerns, and we're all discussing a concern for example on the mission statement, which was a recommendation number five where the BC is very concerned that we clarify that existing contracts can be enforced and try to support a delicate balance where voluntary specifications, voluntary restrictions from an applicant could be enforced by ICANN as well things like fixed specs.

So I would ask the BC to consider this for a minute. Do we indicate that we support the qualification of concern, do we oppose certain items unless concerns are addressed or leave it blank and just note our concern? And this is again only with regard to the BC's submitted public comments. We'll take a brief queue on that and then discuss some more important at the GNSO level. I'll take a queue.

Philip Corwin: Steve, Phil here. I've raised my hand so let me speak first. I would suggest that if we really strongly support something, we check the box that we support. If we have really strong concerns, we check the box opposed, unless it's fixed, and that on the ones where we have, you know, less serious comments to

make, you know, not less serious but it's not as great a matter of concern or enthusiasm one way or the other, we simply put in comments and refrain from checking the box.

Steve DelBianco: So, Phil, if I got that right, if we have a minor concern or we support it, we would indicate support and indicate the comment. If it is a major concern, we would indicate oppose and indicate the comments. And if it's in between we would leave it blank, unopposed and support, and indicate the comment.

Philip Corwin: Right. And if we really enthusiastically support something, check support. But the ones in the middle, leave the boxes alone. Just put in comments as applicable. I see Denise has her hand up.

Steve DelBianco: Go ahead, Denise.

Denise Michel: Thanks. An additional option is to also indicate that our support is, you know, can be granted if X is, you know, fixed or we're withholding support until further, you know, clarification or details are provided, also an option. And since I'm on the mic, I remain concerned about the idea that seems to be propagated by CCWG members -- some of them -- that the details or implementation issues can be worked out later.

I think it's important that we really think carefully about what power we're giving up in approving a proposal without some items that we feel are important nailed down, which is also why I raised the issue of being engaged in discussions about encouraging the CCWG to do a supplemental draft and what might be in that. Thanks.

Steve DelBianco: Denise, I do want to note that a supplemental draft is a given. It's absolutely essential. It's even possible that there'll be so much movement between the

third draft and the so-called supplemental that we might even just call it fourth draft. And a lot of that movement is dictated by the board's comments. Phil discussed that briefly today.

Like the BC, the board seeks greater detail of several items, but the board has its own point of view on how it wants those details to be worked out. The board heads into a different direction than the BC on for instance the designator having the right to inspect the document. They head in a different direction than the BC on Work Stream 2.

So just getting details is rarely enough. It's more specific to say that we need to details that resolve it in a certain direction. And I believe that asking for a certain direction and clarification that suit us, we'll have limited, extremely limited, effect unless it can be supported by the AC and SOs, the chartering organizations. We are part of the GNSO.

So for instance, you talked about wanting the affirmation of commitments review team to allocate more than a parity of seats to the GNSO if they're reviewing things like the new gTLD program or Whois, since those two reviews affect things that only live in the GNSO. Now of course the ALAC and the GAC will want to weigh in on those items as well, but the ccNSO for instance and SSAC might not care very much about something like Whois or the new gTLD program.

Asking for something new at this stage, because I have tried in the past to get that without success, asking for something new at this stage was required that we lobby like crazy to get support from the GNSO, not through their individual comments but through the resolution. And in about an hour and a half from now, Phil and Susan will be on a Council call where one of the primarily topics is the GNSO's resolution.

So Phil and Susan, the hope is that the draft document, it's the first attachment on this policy calendar will give you the opportunity to test the waters on today's call about whether the policy itself is going to do supports that are qualified, oppose unless, and when a resolution might be forthcoming from Council. And it's also an opportunity for the BC to hold the pen, so that we take the first step encouraging Council for instance on recommendation nine, encouraging Council to increase GNSO's representation on those two review teams. I'm thinking now of Facebook's comments.

We won't do as much good to comment on what the BC's desires without also lobbying our AC and SO to make it happen. Phil, I'm going to turn it back to you so I can call an expert. My Adobe Connect is not working.

Philip Corwin: Okay. Listen I have my hand raised again. I just wanted to add, because I think it's important, I didn't mention when I first reported on this morning's call, as you know Steve, since the board submitted its comments, there's been some back and forth, particularly with Bruce Tonkin, over whether the board has taken the formal position, which requires a two-thirds vote of saying that any of the things they want fixed at the current language is not in the global public interest.

On this morning's call, Steve Crocker said that the board was unanimous on all these positions. So that still doesn't tell us where if the CCWG decides not to take the board advice on one or more of these five key issues, whether they would send that message, which would certainly cause great controversy and potential delay. But that potential for confrontation down the road is there based on Crocker's statement on the call that the board was unanimous in its views expressed in its comments.

Steve DelBianco: That's right, Phil, which is why I pushed back on the board to understand it's going to take longer to work this out, especially when they are reopening some issues that we had nearly explode within the CCWG. So I'm going to take a - I'll say that over weekend I will circulate a version three of our BC comments, and I will indicate the nomenclature of the qualified support or oppose unless or no position with express concern. And I'll try to get all BC members to respond to that in a way that we can submit our comments on the deadline, which is Monday.

I'll add this is that I can fill out the online survey based on the boxes that we have, but I can in addition submit our written comments as a PDF, if that's easier to digest. Because I'd like for other ACs and SOs to see what the BC believes because that might even help generate support. It's a separate exercise to turn the BC's point into the resolution language to support Council.

And just before I went over to you, Phil, I wanted to see whether your and Susan today on the call, Council call, you could be, if you wish, you could be aggressive about volunteering to draft certain qualified support resolution or oppose unless resolution if you felt there was general support for where the BC is going.

Do you think that your discussion in Council will get into that kind of substance today?

Philip Corwin: I have to say, Steve, I have no idea how that discussion's going to go today or what level of, you know, finality the other constituencies and stakeholder groups have reached in their consideration of the proposal.

Steve DelBianco: All right.

Philip Corwin: Did you have any thoughts on that, Susan?

Susan Kawaguchi: No, but I think Steve's idea is good. And so if we have that opportunity and it looks like we have some consensus, I'd be more than happy to take that approach.

Philip Corwin: Okay. Denise, is that hand up from before or do you have a new comment to make?

Denise Michel: No it's old. Sorry, I'll take it down.

Philip Corwin: Okay. So, Steve, why don't you, if you can, in the next five minutes wrap up on the other - just hit the other policy items.

Steve DelBianco: Will do, Phil. And, you know, I know that you and Susan, no one can predict what will happen on the Council call today, but I doubt too many of the other constituencies will be as well prepared as you will be today because we have visited all 12 recommendations and have been specific about our concerns. So good luck today.

The next item up is the gTLD marketplace health index proposal. This is a call for comments and volunteers, and it's due by the 8th of January. At this point, Angie Graves has volunteered. Now Paul Mitchell indicated he would also volunteer. Let's see, is Paul on the line today? He is not. So I don't know whether he also volunteered.

And Angie Graves, are you on the line today? Yes. Angie, what else is required? Do they want a written comment by the 8th of January or are they just looking for volunteers?

Angie Graves: Angie's here. I haven't looked at it. I can send you an e-mail later today with that answer if you'd like.

Steve DelBianco: Yes please do. Thanks, Angie. I appreciate it again for you stepping up on that. All right the next one is about registration data access protocol. This is actually when you think about it this is a long-term replacement for the 43 access protocol for Whois and this comes from the IETF.

They developed a protocol called RDAP and ICANN is seeking comments on the operational considerations for registries and registrars to put it in. As you know we're under a thick Whois under the new gTLD regime so the protocol has to implement that registries and not just registrars.

And the BC has been very active on the whole position of access to Whois data but I did want to emphasize that the new RDAP protocol has some operational challenges for registries and registrars. And it also allows differentiated access. So what do I mean that? That says that authenticated users who might be law enforcement as trademark holders that authenticated themselves they all have a different level of access to the registry locator formerly known as Whois.

So it's somebody who hasn't been authenticated and that presents some additional - well logistical challenges of authenticating who has been authenticated.

So at this point it closes just 2-1/2 weeks into January. So at this point only looking for some volunteers with lots of experience with Whois who would be willing to take a look at this protocol and comment on it. It's mostly that we want to push for better access of the BC members when they need it and

overcome objections that might come from registries and registrars that they believe is an operational challenge.

I'm looking for hands. There are so many of you with fantastic Whois experience that this is an opportunity to help lead a comment draft. I'm going to run out of my five minutes.

Cheryl Miller: This is Cheryl, I can help.

Steve DelBianco: Cheryl, fantastic thank you very much. This is on number 4. Anyone else want to join Cheryl? Tim Chen is on number 6, thank you, Tim.

Barbara Wanner: Steve, this is Barbara Wanner, I'll join Cheryl on number 4.

Steve DelBianco: Fantastic, that will be a great team. So, we'll about that and I'll be able to show you all of our prior comments on this. Thank you. Number 5 on here is the implementation of sic Whois, which requires consistent labeling for all gTLD's. These comments also close on the 18th of January. Again this is very close to the same said topic. I would ask Barbara would you and Cheryl work with me on that and see if we can handle both 4 and 5 together?

Barbara Wanner: Yes.

Steve DelBianco: They're due the same time. Cheryl?

Cheryl Miller: Yes, that's okay thank you.

Steve DelBianco: No thank you, appreciate that. Tim Chen you volunteered in the chat for number 6. That's the supplementary proxy service it's my XYZ dot com. Tim

anything you want to add about that right now to stimulate interest by your fellow BC members?

I'm not hearing Tim so anyone else want to join Tim Chen on number 6? This is a new proxy service being offered for all multiple gTLD's that are being run by XYZ dot com.

We've made many comments on proxy service in the past. There is a new twist here because it's going to be a supplementary service for proxy on Whois 43.

Philip Corwin: Steve, Phil here.

Steve DelBianco: Go ahead.

Philip Corwin: I read that proposal that was put out last week. I don't understand what that really means do you have any idea what the effect of this is?

Steve DelBianco: It overlaps with the RDAP the IEPS protocol and I think we're going to probably have to look at 4, 5 and 6 together and since we added Tim Chen to the mix then we've got Tim, Barbara, Cheryl and I.

We could potentially look at all three of those. That one is due the 22nd of January. Look at them as a batch because they sort of reference the same subject matter. That might be more efficient.

Philip Corwin: Okay and I just saw in the chat room Tim Chen commented that this is to get them to abide by Chinese laws. Now I know what it is. There's been some - I think we need to take a hard look at number 6.

There's been controversy about this. Apparently they're committing to the Chinese Government not to register domains with any names that are on a prohibited list put out by the Government of China.

Names like Tiananmen, Tibet, things like that those domains will not be available in China from their registry. So there is some, been some accusations that this amounts to abiding by national censorship for global resource.

Steve DelBianco: And while that may be true the Whois access is more about how an Internet user could - who is running a particular domain once it's been established in a local market as opposed to just blocking the registration.

Once it's been registered this is a proposal to do sort of a proxy registration service to say who has that domain. So would you be able to help the other three of us or four of us out on particularly on number 6?

Philip Corwin: I'll be glad to, you know, be part of the review team. I don't have the technical expertise to lead on these.

Steve DelBianco: Yes, and that's why it's so helpful to have folks like Tim who knows a lot about the internal workings of Whois and thanks again Tim, appreciate it. And I'll look for Tim to lead on 6 and help on 4 and 5. Thank you.

Number 7, we only have two more here. Number 7 is something that we've done several times in the past which is looking at our step request from a batch of new gTLD's that want to release country and territory names at the second level.

This is a batch that includes some that are dot brand and some that are generic. The BC has commented on both at slightly different levels of support for the release.

You can't see my eyes, but Andy Abrams, you know I'm looking at you because you've been our leader of so many of these in the past and I wonder if I could ask if your time would allow you to do a first draft of it unless any of those TLD's are yours that is?

Fantastic, so Andy and Aparna and none of them - yes none are Google fantastic. Andy and Aparna thank you very much for that first draft. I think we can just model it off the last one that had a batch in it. Thank you very much.

All right the last one is the notion of a study, a study of the route zone to ask a simple question. Can the route zone handle another round of expansion of new gTLD's? That's really what this is about.

Comments close the 3rd of February so we have some time on that. So, for this we want anyone in our group who has experienced any aspect of doubling the size of the zone and file what that does for replication of the zone or even the performance of the zone base lookup that get back to the route.

Any volunteers? All right I'll come back to that on our next call. Let me just quickly if you scroll down now to the reconsideration request I just have a very brief update.

They were supposed to cover our reconsideration request on the .travel, .cat, .crow, registry contract where we joined with the non-commercial stakeholders group and objected to the process that ICANN used to impose the URS on those renewals.

Whereas URS has never been through a bottom up multi-stakeholder policy development process. So the board had us on schedule to review yesterday the 16th of December.

I went to the Web site just a few moments ago and they have not yet updated the indicated status. So while it is possible that the board looked at it yesterday I will see a report later today and if it comes out Phil and I will circulate it to everyone.

Otherwise we're just trying to be vigilant and make sure that no other Legacy contracts get renews with URS until this reconsideration has been addressed.

The next is to move it over to Council and for that Phil I'll send it back to you and Susan, thanks everyone.

Philip Corwin: Thanks Steve and we're very happy that your connectivity held up throughout that portion of your train ride to New York. Okay, let's go quickly through what's coming up in Council today and with the caveat that the Council's schedule is so crowded that one or more of these items may not - may be deferred until January but we don't know which at this point.

First item we're going to vote on a motion to initiate the PDP for new TLD subsequent procedures. We're going to have a quarter hour discussion on Council on that matter.

At least that's what it's scheduled for and the motion is going to be presented by Donna Austin who is the Vice Chair from the Contracted Parties House and we need a vote on that.

So, any comments on that or any additional color on that from Susan. And Susan just chime in on any of these as we go down the list if you wish to okay?

Susan Kawguchi: Sure.

Philip Corwin: Okay, hearing none I'm going to go to the next one. We're going to vote on a motion to adopt the final report from the privacy and proxy services accreditation issues PDP working group.

A group that both Susan and I participated on at great length. I think that's been almost a two-year project and this will be a motion to adopt the final report.

And that's - I don't know of any significant controversies in that report that would lead to any extended discussion on today's Council meeting. Anyone have any views on that one?

Susan Kawguchi: Phil this is Susan.

Philip Corwin: Yes.

Susan Kawguchi: Actually I did request a deferral on this one. We did have a little melt out about that, the Excomm did last week which seems like a year ago. But - and obviously you and I participated on this report and it's an okay report.

We didn't win on everything but I have no problems with the PDP going forward. But back to the issue we are facing a lot lately is just the bandwidth of people.

And the registrar group had asked that the next generation RDS PDP be delayed for the call for volunteers until January which doesn't make a whole lot of sense that we immediately push this one forward when the report just came out last week to ask for volunteers in the next 10 days.

I think it could get lost anyway so my request for deferral was let's put this off until the next meeting when we don't have so much going on. So that will be our position going into the meeting today.

Philip Corwin: Yes and Susan I think this is probably one that will be put off until January today but - and I see Steve's hand is up. A comment, Steve?

Steve DelBianco: You're on the second item right the privacy and proxy accreditation?

Philip Corwin: Yes.

Steve DelBianco: If you scroll down on the policy calendar I inserted a quick analysis that Ellen Blackler did for us. Ellen, I don't think is on the phone today but she was kind enough because she led us on the previous comment that she went through the final report here and compared it to the BC's earlier comment.

And as Susan said we didn't get everything but the two main points that Ellen makes are right here on the screen, one and two. And that's a opportunity - I included it here so that we could take advantage of Ellen's good work and make these comments today if there is a substantive discussion in Council.

And this might help to justify why the BC believes we're not prepared to support this at this point and those two points in particular.

Susan Kawguchi: Thanks Steve and thanks Ellen for the work on that we will use those if we get the opportunity to discuss this.

Philip Corwin: Great, yes and Susan thanks for reminding me the request of the deferral. I'm sorry I didn't recall but I think I'm getting several hundred emails a day lately from all the ICANN lists I'm on so I don't recall it.

Sometimes I look back at the emails I responded to in a day and I'm amazed just the volume of what's going on but we'll probably be dealing with that in January.

The next item will be - in February we're going to be voting on a motion. I haven't seen a motion and I don't know how we're going to do a motion but this is the endorsement of GNSO candidates for the CCTRT.

And we've already explained the situation where the other stakeholder groups are lending themselves to three and that would be okay with the BC on this one but the ITC and ISP's are not of a similar mind.

So we'll just see how that discussion goes when it's brought up in the Council meeting.

Next item is voting on a motion to adopt...

Steve DelBianco: Phil?

Philip Corwin: Yes Steve. Was that Steve?

Steve DelBianco: ...CCT review. You can remind people that the recommendation from the CCWG is that future affirmation teams just like this would have up to 21 members and an unlimited number of participants on top of that.

And that it is not limited to three for each of the seven AC's and SO's. The 21 slots on the team could be taken extensively by an AC or SO like the GNSO if we over subscribe our interest and other AC's and SO's were not as interested in the topic.

And I realize that those are new rules they're only proposed but they're widely supported and will surely be adopted sometime in the next 12 months as part of ICANN's bylaws.

So by telling that story it helps to set the table for wanting the GNSO to step up and insist upon more than just a couple of seats on this because they have several candidates that are qualified, that have diversity, that are experience so that they would be able to make a meaningful difference on this.

So if you want I can dig that language up for you one more time but it would be first attachment to the policy calendar.

Philip Corwin: Thanks for that reminder Steve. Next one, adoption of GNSO review of the GAC Dublin communique that's pretty much been accepted online by the Council and I think the vote is going to be more of a formality. Do you have thoughts on that Susan?

Susan Kawguchi: No.

Philip Corwin: Okay. Next item is a big one, the Council discussion of whether GNSO's position is going to be on the CCWG accountability proposal scheduled for 25 minutes during the Council today.

Thomas Rickert will be giving an update and we'll get a better sense of where the other groups are and we'll, Susan and I will base our remarks upon the

feedback we see from BC members to date particularly on the template that Steve has provided.

And then we're going to be discussing Council action on the new gTLD auction proceeds paper that was published by ICANN and where there's going to be - let's - it was submitted to Council on December 7.

There is general community support for CCWG to be formed on this topic and the next step would be confirming the interest of each SO and AC and participating and interested SO's and AC's will then be requested to nominate up to two volunteers for the drafting team.

So we're try - we're going to set up another CCWG on how to deal with that 58 plus million dollars from last resort auctions for new TLD's. Comments on that? That's the final item of substance on the GNSO call today.

Hearing none let's move on with our agenda and let me just find where we are. Can we have the regular agenda back up Chantelle? Okay so the next item was going to be David Fares. David has already done that because he had to get finished early.

I don't see Jimson on the call at least in the chat room. You're not on the phone are you Jimson? I think I saw something that they were having trouble reaching you earlier.

Angie Graves: This is Angie. Jimson asked me to represent our situation in the event he was unable to attend.

Philip Corwin: Okay, well go ahead Angie.

Angie Graves: Sure, I was not - sorry I'm pulling up my screen. The new members was not shared with me, that list, so we'll have to defer to Jimson on that for the next meeting.

The other item is the update regarding the general counsel that has been selected at least tentatively. We have an issue with the indemnification clause that was requested by the selected attorney.

At this point we have the option of shopping around for another attorney and be really - we can shop specifically for no issues in that regard. And then the other option is to work through the language with this attorney that has tentatively been accepted. I'd like if anybody has an opinion on which direction that we go in I'd love to solicit those opinions right now. Thank you.

Philip Corwin: Yes, thanks Angie and I just want to add that the issue resolved down to - not the creation of this new non-voting officer position of general counsel but that general counsel whoever it is providing their EIN employee identification number for use by the BC for its tax filings and the potential liability that might accrue to that party be letting us use their EIN.

So it may pop up in discussion with other law firms. If it's not if some type of indemnification clause is not acceptable to BC members. And I'm not an expert in this but I think indemnification is generally handled by all organizations by obtaining some kind of DNO liability insurance to cover whatever risk there is.

I don't know how that would be priced but I just wanted to add those additional details. But I don't know if any members have views now this was discussed in Dublin.

I don't recall if I was in that discussion in Dublin or whether I was off with Susan at a Council meeting at that time. But I don't have a strong recollection of the conversation in Dublin on this.

Angie Graves: This is Angie. I have somewhat of a recollection. There were two paragraphs that were proposed and presented on the projector in our meeting room. The second of - excuse me if I recall correctly and I do invite any corrections here today.

If I recall correctly Steve Coates objected to the term general counsel in the first paragraph and the second paragraph was requested to read remove it all together. Thank you.

Philip Corwin: Okay, does anyone else at this time have views on this matter? Well if not we'll just continue the discussion by email and within the Excomm, the Excomm is going to be having a call tomorrow morning because of some Excomm members not being available at noon today and we're going to get further into this matter.

So if any BC members have thoughts on this indemnification issue which relates to a - again it relates to a third party a non-voting officer allowing the BC to use its IRS employee identification number for the BC's tax filings and any liability that might accrue to that party if there is a dispute over that.

So if you have thoughts on that please chime in before - if you can before the Excomm discusses this further. Tomorrow...

Angie Graves: This is Angie. So apologies. Chris Wilson in the chat is asking and this is a great question, do we know what other constituencies do in this regard? And I

think we're kind of towards the leading edge on this but you may have more insight Phil.

Philip Corwin: I'm not sure what the answer is.

Angie Graves: Yes I have no - I have spoken with leadership from other constituencies on the issue but not specific to this. So that's a great question Chris maybe I can reach out to some of them and find out.

I know that several have not made it to this point that we are right now. So we are more in the leader side in this regard and other constituencies but I will pursue with them. Thank you Chris, thank you Phil as well, thank you.

Philip Corwin: You're very welcome, you're very welcome. That's completes the agenda except for any other business. We are as I mentioned at the start this will be our last call for 2015.

We're proposing a BC call on January 7, the first Thursday in the New Year. If anyone has concerns about that it would be good to speak up now otherwise we'll probably put it on the schedule and that will probably be a very timely meeting right after the New Year to discuss the state of play on the CCWG proposal because there's - the timetable calls for very rapid action on that in January.

Does anyone else have any other business they want to bring to members' attention before we wrap up this call? Well seeing no hands raised and I'm not hearing anyone speak on the phone I'll assume that no one else has any other business.

So with that I'm going to conclude the call in a few seconds. Just want to take this opportunity to wish, to thank everyone on the BC for their tremendous efforts throughout this very challenging year of accountability development within ICANN.

And the great teamwork and camaraderie that's been shown by everyone within the BC on the countless items we've dealt with throughout the year for your confidence.

It's been a pleasure to serve as your interim Chair the last six months and to wish everyone a very Happy Holiday and a great New Year and we'll all look forward to the year 2016 which we hope will be the year of completing the transition and moving forward with the more independent and more accountable ICANN going forward.

So thanks again and Happy Holidays, Happy New Year and we can stop the recording now and end the call four minutes early.

END