

**ICANN**

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

Coordinator: The recording has started.

Nathalie Peregrine: Thank you very much, (Martin). Good morning, good afternoon, good evening everybody, and welcome to the BC Members call on the 20th of August 2015.

On the call today we have Andy Abrams, Jimson Olufuye, (Kim Chan), Phil Corwin, (Andrew Harris), J. Scott Evans, (Chris Wilson), Aparna Sridhar Steve DelBianco, and Angie Graves. We have apologies from Elisa Cooper and Marilyn Cade. And from staff we have Robert Hoggarth, Benedetta Rossi, and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes.

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

Phil Corwin: Well good morning all. Thank you for being on this call in the dog days of August, and there's a number of members who won't be able to join us today

for vacation and other reasons. I'm speaking now my - I'm not yet officially interim chair. That officially begins tomorrow when Elisa formally leaves the BC and MarkMonitor. She is not on the call today and asked me to chair in her stead.

I thank the Executive Committee for asking me to take on the interim chair role. I plan to be primarily a caretaker chair, although I do have some goals for this chairmanship, however short it may be. If it runs through the end of the year then I'm hoping that we can deliver - the working group I'm also participating in can deliver a final draft proposal for a new BC charter by the end of the year.

We're getting close to completion on that, although it's very painstaking intricate work. I spent half an hour on the phone with Elisa yesterday getting some briefing on her regular recurring duties, key staff members at ICANN and other things I need to know to carry out these responsibilities. I had a 30-minute call yesterday with (Chris Mondini) regarding business sector activities at the Dublin meeting. We'll bring you all up to date on that as meeting approaches.

And of course I'm always open and welcome input from anybody in the constituency about anything they'd like to see done or done differently or issues they believe we should address, whether they're internal BC issues or external policy issues.

And with that I see that Steve is on the line and why don't we launch right into the policy update, Steve, if that's okay.

Steve DelBianco: Thanks, Phil. Appreciate it. Folks, I sent around a policy calendar yesterday. This should be a rather brief policy update, but we do want to devote some

substantive time to the IANA stewardship transition draft, an excellent document that Aparna, (Andrew Harris), (Ellen Black), and (Steve Coats) put together. That's the first attachment on the policy calendar, so please have that ready when we get to that section of the call. We have (Andrew) and Aparna on the call with us today to help talk that through.

So first thing I'll note is since our last call we did file one additional comment with ICANN on the 10th of August. We filed our comment on the translation and transliteration of contact information. This was based on a PDP recommendation and went to the board for its approval. And the PDP did not adopt the BC's preferred position of mandatory translation.

So I think (Steve Coats) came up with a great idea which was to ask the board to conduct an evaluation sometime after the policy were adopted, asking eight specific questions about whether they are - the PDP has been effective at a policy of translation of contact information. And, you know, we will get a reaction from the board on that. And for the most part, we'll be alert to whether those questions are coming through satisfactorily.

And if they're not, we get to say, "Look we told you, you should have evaluated these things. It was part of the public record. We put it in the public comment, and we'll lean on the board to some evaluation of those than this optional translation regime to see whether it's really working." Thanks again to (Steve Coats) for the work on that drafting.

The other two comments noted in the recently filed section have been discussed on previous calls but I want to also thank Andy Abrams for the drafting that he did there. And then we had a group including (Laura Covington), J. Scott Evans, and (Marie) who drafted the GNSO review.

Okay thanks. Somebody just muted, and I appreciate that.

Let's move to the public comment period. This is in the middle of Page 1. We have six open public comments that are relevant to the BC. The first one is this notion of the next generation directory services. This is the replacement for Whois. A lot of work has been done on that, and now we have a preliminary issues report.

The comments close 6th of September, and this builds upon work that Susan Kawaguchi did as part of the Expert Working Group almost two years ago. The BC has an excellent record of commenting on the specifics of what happened in that development. But now that we're in the beginning of a preliminary issues report, it's key for us to reiterate the concerns and ideas that we had at the time.

Now Susan has a brother in the hospital. She has apologies for today's call and can't be with us. And then Jimson I just understood has been called into a work emergency, somebody who's site has been hacked, so he's not on the call today either. (Kim Chan) I think you are - yes (Kim)'s on the call.

(Kim), you were one of the volunteers, along with Angie Graves and (Steve Coats), to take a look at drafting a comment for the BC on this. And this one is due the 6th of September. So, (Kim) and Angie, any chance that you two can come together and start to work on that draft comment on the preliminary issues report?

I see Angie's - oh Angie said it's the top of her queue for tomorrow. I appreciate that. And (Kim) as well. So (Kim) and Angie we'll look for you to circulate a draft. I had a given a preliminary set of prior BC comments that we've done, and that's a good thing to draw upon. And if we could circulate

something before this weekend or over the weekend, that would give the members time to review before it's due on the 6th of September. Thank you.

Any other volunteers who want to join Angie and (Kim) on this? Great.

The second one under public comments is an initial report on data metrics for GNSO policymaking. This is a common sense idea that the BC was among those advocated that when the GNSO is doing policy it ought to have data to draw upon on the performance of prior operations as well as data supporting any changes that we made.

We most often did this in the Whois area, right? We didn't want to see changes to Whois without some data to support whether there was truly privacy problems with it, whether there were accuracy concerns or not. Many of you might recall that. These comments close the 7th of September.

So I believe all we really need to do is to support and endorse this initial report to give it momentum, to make sure that staff continues to work on it towards the use of metrics. Is there anyone here on the BC call that is - that's got a little bit of time to put into reading that report and just drafting a paragraph or two where the BC endorses the approach? Somebody who's used to seeing data that's used in the preparation of reports and recommendations. This is a relatively light lift.

Angie Graves: This is Angie. When's it due, Steve? I'm sorry.

Steve DelBianco: Oh thanks, Angie. It's not due till the 7th of September. So we wouldn't need to have to done here until about the 24th of August to our members. Any volunteers who can help with that?

Angie Graves: I'll take a swipe at it.

Steve DelBianco: Angie, thank you for that. Anyone want to help Angie?

Angie Graves: Oh I don't want to interrupt that call for additional volunteers, but I do - so please put the call back out. But if I can get a link to the data, that's great. Thank you, Steve. I'll get it off the policy calendar.

Steve DelBianco: Absolutely, I'll do that. And yes, the policy calendar has a link right next to - it's the first hyperlink in line number two under current public comments. Thanks, Angie, appreciate that.

Andy Abrams: Hi Steve and Angie, this is Andy Abrams. I can help with that as well.

Steve DelBianco: Andy, thank you. And again, only a couple of paragraphs are necessary. Appreciate it.

The third item is the stewardship transition proposal. This is an excellent body of work. We have a five-page draft that was attached to the policy calendar. And again, Aparna, (Andrew Harris), (Ellen), and (Steve) worked on that over the past four years and I think have done an excellent job.

So you guys all have a copy of that. I would ask right now for a queue, but before we do since Aparna and (Andrew) you're on the line with us, Aparna would you start off? Lead us through the high level of what the BC's comments are going to be on this. Thank you.

Aparna Sridhar: Sure. I think at a high level, the comments are fairly similar to our first round comments, and the document, you know, I thought in the first - I guess this is now the third opportunity, so in the second round we had comments that

generally said this document's in pretty good shape and we generally agree with the direction the stewardship group is headed.

We made several specific points in this comment, some of which are relatively similar to our prior comments on those, which are new. The first point is a reiteration, which is that we feel that it's only that the post-transition IANA entity should be very limited in remit, and we have some concerns about the current proposed board structure for that entity, which raises the risk of sort of conflicting decisions about IANA and also distributed oversight in a way that is unhelpful rather than helpful.

The second is in the prior version there had been relatively sketchy details about how separation of the IANA functions might take place, and the CWG has included more detail in this version, but our main concern is that there ought to be sort of a clear process for triggering separation which isn't laid out all that well in the document. And there ought to be a substantive standard.

So in any decision where a separation working group is making the decisions to separate the functions, they ought to make a finding that says that either this poses a significant threat to the security's stability or resiliency at the DNS. We don't want to be able to take the decision to separate for non-technical reasons.

So the third comment is about changes to the root zone management system. So as I think most of you know in the current system changes to the root zone are sent to ICANN and the IANA functions operator, ICANN performs a series of technical checks and then passes those along to NTIA. NTIA authorizes the change. This is mostly a rubberstamp, but it is a part of their duties. And then that change is implemented by VeriSign as a root zone maintainer.

And obviously that's going to have to change as a result of the transition, because NTIA will no longer have it to the root zone authorization rule. And NTIA published a joint proposal from VeriSign and ICANN as to how to modify that process in the update of the contract. That is referenced in this draft, and our main suggestion is that there should be a short public comment period to that community feedback on that proposal, although I think our initial impression, at least on the Google side, is that it seems fairly straightforward and workable.

The fourth issue is the way that these proposals have come into the ICG, it really sets up the possibility that the naming functions, the protocol functions, and the number functions could eventually be split up and there could be different IANA functions operators for the different functions. And we think it will be helpful given that that possibility has never been explicitly a subject of public comment for the ICG to just kind of ask for community feedback on that issue.

The third point it's a little sketchy how the three proposals fit together, especially how the protocol, the numbering perimeter is set with the existing piece - the existing ICANN and the new PTI entity. And so we would just - we've been asking for extra clarification on that.

And then the last point is kind of standard motherhood and apple pie from our comments going back a year or more now that accountability changes have to accompany other - the changes from the accountability working group are part of the stewardship transition. And in rereading the doc, I'm realizing that the text from one of the headings has been transposed with another, so I'll fix that and recirculate to the group. But it should be pretty clear kind of what it meant.



Steve DelBianco: Thanks, Aparna. (Andrew), you're on the line. Did you want to add anything to Aparna's summary?

(Andrew Harris): No, I think she nailed it. Just a quick question: Aparna, was the missing text regarding the fifth section on the PTI?

Aparna Sridhar: No, it's - I think it's -- I'll have to reread it -- but it's basically that the text under number five should be under six, and the text under number six should be under number five.

(Andrew Harris): Okay. Yes okay. Yes, yes, yes. Got it. That makes sense. Thanks. But otherwise that was great. Thank you.

Steve DelBianco: Great. And thanks for the drafting that you guys have done. And while we wait for members to raise questions, I will admit that this confusion of PTI, how do we cover PTI and keeping it to a limited remit is something that the CCWG thought we had handled when we came up with changes to ICANN's mission statement and core values.

For instance, ICANN shall have - one of the new proposed bylaws is ICANN shall have no power to act other than in accordance with and as reasonably appropriate to achieve its mission. And the mission is articulated in the new bylaws. It's very limited. To coordinate the global Internet system of unique identifiers to ensure the stable and secure operation of the unique identifier system.

So the new bylaws and core values were designed to keep ICANN within a limited remit. But it's referring to ICANN, this nonprofit corporation. Suddenly when ICANN has a wholly owned subsidiary called PTI, I honestly

don't know. Do we believe that the new bylaws applying to ICANN automatically apply to the activity of its subsidiary as well? Anyone with an insight into that?

Aparna and (Andrew), I might recommend that we add that to our report is that we'll acknowledge that Paragraph 187 of the CCWG talks about limited remit, and we want written assurance that that limited remit extends the activities of the subsidiary PTI. What do you think of that?

(Andrew Harris): This is (Andrew). It makes sense to me.

Steve DelBianco: Aparna, is there a more - is there a tighter limit we wish to place on PTI? Or is the limited remit that we have proposed for ICANN sufficient to keep PTI from any mischief? Okay. Aparna's having some phone issues, so I won't hold things up for that.

So let me take - let me turn to the queue, any BC members. And thanks Aparna. I may get to it. And I can help to point us to that section. Any other BC members have comments or questions for Aparna and (Andrew)? These comments close 8th of September. So the drafting team is ahead of schedule at getting this into your hands yesterday.

I will note too that (Andrew) and Aparna that the notion of having a standard for separation, when you read the heading, it starts to make it seem as if separation is going to only be permitted under strictly limited circumstances, but that isn't at all how you've written. What you've written I think is entirely reasonable.

It says that separation needs to be because of security, stability and resiliency threats. It can't be just because we're mad at ICANN or we're upset about

something ICANN has done. And I think you're dead on to try to eliminate any political leverage being exerted by separation. Separation needs to be about SSR. I think that's a great idea.

I don't see any other hands up right now, so thanks again, (Andrew) and Aparna, for the original drafting. Number four is removing - is a request from .sharp. That's Sharp Electronics. There's a request for .sharp, who runs their own brand TLD, to remove searchable Whois. Now they still have a Whois, right, that you can look up, but they want to remove the searchable feature from Whois within their brand TLD.

I think this is the first time we've seen something like this and (Cecilia Smith), Andy Abrams, you had volunteered to draft a BC comment on that. Any progress or questions on that? It's not late, so I don't want to imply that you're behind schedule. I don't think (Cecilia)'s with on the call today, but Andy Abrams is always on schedule when it comes to comments.

So Andy, anything you want to add on that, or do you need extra volunteers? Oh you said the draft has been sent to me? Well thank you, Andy. My fault then. My fault that I missed it. And I will circulate it to the BC right after this call. Thank you, Andy.

All right number five is a proposed ICANN bylaws amendment. This is just pursuant to a long-term process of developing policy implementation recommendations for the GNSO. Again, this all started two or three years ago when the BC and the CSG pushed for the straw man improvements to the rights protection mechanisms and the new gTLD program.

When we did, that element of implication offended many in the ICANN community that said that should have gone back to a bottom up multi-

stakeholder process. And it generated a long-term discussion of how does the GNSO resolve the differences between policy and then subsequent implementation. So instead of bylaws changes to the ICANN bylaws that are going to be enacted to try to formalize the process by which implementation occurs.

We submitted comments in March of this year supporting their initial recommendations. (Zahid) had drafted that for us, and we need to decide whether we want to comment on the policy and implementation recommendations right now. So this is due, let's see, 12th of September. (Zahid)'s not on the call but I might ping him again to see if he'd be willing to reprise those for this one.

Is there anyone on the call who follows this topic closely enough to be able to volunteer and assist on that? All right I'll ping (Zahid) on that.

The last one is the cross-community working group on enhancing ICANN accountability. Aparna mentioned it earlier as the partner process to go along with the IANA transition stewardship. We produced our second draft on August the 3rd and published it. Comments for this are closing on the 12th of September. And this is just like the IANA stewardship, nearly a 200-page document.

But we are careful to recognize the differences from the previous draft. And I'm going to suggest that we would pride ourselves on the CCWG on having really responded to so many comments that came in during the public comment process and discussion that was held in Buenos Aires.

So I think we have moved it further along and solved the biggest concern that anyone had with our first proposal, which was the risk that an AC or SO,

having acquired new statutory powers under California law, could wreak some legal mischief with the statutory rights that they had. So we eliminated those risks by saying that the only members is this collective of the community of ICANN and no single AC or SO could do anything on its own. It was only a supermajority requirement for a limited set of statutory powers.

And I think that removes many of the concerns, but undoubtedly we'll still have a lot of questions to answer. Now those comments need to be drafted in the next several days. So far it's myself and Aparna who are volunteering to work on that. Can we have any other volunteers from the BC who would help Aparna and I on the drafting of those comments?

(Chris Wilson): Steve, this is (Chris Wilson). I'm happy to help.

Steve DelBianco: (Chris), fantastic. Thank you. And then I see (Andrew Harris). Great. So we have Fox and Amazon, Google, and myself. Anyone else? That's great. It's tough to continue to rely on the same group of volunteers but I'm very happy that we have such a rich set of volunteers that, you know, come up to the plate and step up on comments. But thanks to all of you. Appreciate that.

So that's it for the current public comment section, right? So I'd like to turn back over to you for the council or channel two on the policy calendar that's in the Adobe chat. I did note that there hasn't been a meeting of the GNSO since the last meeting. And Phil, you'll see that I put in there two or three notes from you regarding election and privacy proxy and the new topics. So, Phil, over to you.

Phil Corwin: Well thank you for your report. Excellent as always, Steve. And we particularly appreciate you being up to date on all those items just a week after you had some surgery, and hope that your recovery's going well.

You are correct, the council has not held a meeting in August. The next council meeting is September 3. I don't think we have any but just to put members on notice, I got advised this morning that the deadline for any reports, motions and documents to be considered at that September 3 council meeting are due next Monday, the 24th. So if anyone has anything in those categories, let me know right away.

Yes, and we have been solicited for ideas for topics for the council to raise in Dublin when it meets with the global domains division with (Theresa Swinehart) and Fadi and with the board and the GAC. And I started with two. I've gotten another three or four suggestions on the BC list since posting that yesterday. And by the weekend I'll aggregate whatever I've received and send it on to Volker Greimann, council vice chair so that they have an updated list from the BC.

And other than that nothing new to report from council, so we'll move onto anything that (David) might have to report in his role as CSG liaison. And as mentioned, I spoke yesterday with (Chris Mondini) about business activities in Dublin. I just got an e-mail from him after this call started. I'll forward it when the call is over so people in the constituency can see the preliminary plans and comment on that.

Also one surprising item when I spoke with (Chris), there will be a gala in Dublin on Monday evening of the meeting on the first day. So we haven't had a gala for several ICANN meetings and it might be nice. And I expect they'll have good beer there if nothing else. I'll stop there and - well I guess Jimson's next on the agenda. So let's go to Jimson and then see if (David) has anything to report.

Jimson Olufuye: Thank you, Phil. This is Jimson. Let me join you to congratulate Steve on the successful hip surgery he had and wish you a very quick recovery and also to thank you for all the great work you've been doing for us for BC. I also want to thank Phil for agreeing to take on this role. We really appreciate your commitment in this regard.

Well I just have a very few points to divulge to membership. Number one, I want to believe that everyone received their FY '16 invoices (unintelligible). And I want to appreciate the many members of staff that responded.

Secondly, for members that talked about the need for tax ID so please bear with us. This will be ready by the end of FY '16. We are currently in the process of engaging (unintelligible) to register the BC at a nonprofit entity, and thereafter we'll be able to obtain our EIN and tax ID. So inevitably with the BC will be the first constituency to take on this route in the GAC to formalize their new status before the law.

And then lastly, just for your information again that our outreach, the BC outreach scheduled for (Dubat) is still coming up on September 2. So we have mobilized. I want to thank some of our members like Steve, (Andy Mack), and Marilyn Cade. They'll be speaking via video conferencing.

So that's all for me. Thank you very much for listening.

Phil Corwin: Thank you, Jimson. And let me call on (David) now for any update on CSG activities. (David)?

(David): Thanks, Phil. There really hasn't been much activity since our last call except to say that we're now in the transition of the leadership going for the preparations of Dublin from the IPC - from the ISP, sorry, to the IPC. And so

it's really just the beginnings of coordinating meetings and scheduling for Dublin but nothing of substance to report.

Phil Corwin: Thanks, (David). And I'd also note that there's been some conversations going on within the CSG with the other - with the non-contracted parties in regard to procedures for choosing candidates for chair and vice chair for the October council meeting in Dublin. And those are preliminary. We're still waiting for a final clarification on the proposal from the non-contracted parties.

We're only 32 minutes into this call. There's 28 minutes left. I have no interest in stringing it out for 28 minutes. Under any other business, I just spent an hour on the ICANN quarterly stakeholder call and I'd be happy to give a five-minute of download of key points made during that call for BC members, but before doing that, I'd like to see if anybody else has any other business before I get into that. And then we can wrap up by the quarter hour and get off this call early.

Okay. So I'm not seeing or hearing any other members who have other business they want to raise. So let me give you all a quick update. ICANN held its quarterly stakeholder call at 10:00 am this morning, a one-hour call. Let me give you just some key takeaways.

When Fadi spoke that ICANN is launching a new key performance index, they're referring to it as KPI, a dashboard is going to launch on the 27th, so launching one week from today. It will be located at [icann.org/progress](http://icann.org/progress). So that'll be a new information source on the ICANN website.

And other points that Fadi made on his portion of the call, the compliance department is claiming a 96% contractual compliance rate. Four new panelists



were appointed to the (PIC) dispute resolution procedure board. There's a total of seven that have now been appointed for (PIC) enforcement.

Fadi said that he was pleased that NTIA extended the contract for only one year that he anticipated that would give the community sufficient time to complete its work and to get that work right.

In terms of Internet governance activities, ICANN is participating in the WSIS +10 meeting taking place in October in New York City and the IGF meeting, which will be in Brazil in November, and he also noted that the NETmundial initiative held its initial council meeting on June 30 in Sao Paolo, Brazil. And information on that is at the [netmundial.org](http://netmundial.org) website.

David Olive in his portion of the call noted that there were 14 ongoing PDPs underway on the policymaking side. David Conrad, the Chief Technical Officer, said that a copy in (unintelligible) had reviewed ICANN's cyber security and scored it 140 out of 200. Now he - on the positive side, he said this was a 20% improvement over 2014.

From my own point of view, it concerns me a bit that the global coordinator of the domain name system is only scoring 140 out of 200 on its cyber security measures, but I think we all need to understand better how that score is derived to understand what that really means in terms of ICANN's walls against hacking and intrusion.

He also said there's going to be a plan to change the DNS root zone key. I haven't had time to look at that. Apparently that was put out for public comment on August 6. Steve, is that anything you've noticed as you reviewed new items for public comment, if I might ask you on that?

Steve DelBianco: No, Phil, I hadn't.

Phil Corwin: Okay. Well we might want to take a look at that. I don't know that it's something we want to comment on, but we certainly ought to understand what it means. It sounds like something significant, changing the root zone key.

The CTO also said that on compliance matters at 99% of tickets within the compliance department are closed within 12 days. Again I'm not sure what closed means, how much inquiry goes into a process before a ticket is closed, but they're claiming a very high rate of completion in the compliance department.

On the new gTLD program, we're now passed the halfway point on delegations. Six hundred seventy-nine new TDLs have been delegated, and 995 registry agreements have been signed. So there's another 320 or so new TLDs that have signed their registry agreements but haven't been delegated yet. They're in the pre-delegation phase.

So we're about three-quarters of the way through the program on signing the registration agreements. And he also noted that the 58 million in auction proceedings are being held in a segregated and reserved account, and of course the community's going to be developing ideas for the disposition of those funds.

And wrapping up, Xavier Calvez, the CFO, noted that in the FY '15 budget the biggest shortfall was in the registry fees, which were only 12 million versus a projected 17 million. That's due to slower rate of delegations and was expected, as well as, I presume, a lower number of total registrations of new TLDs. But the overall budget - total revenues for the entire budget were only

2 million below revenue and they brought down expenditures to come in 1 million below revenues for fiscal '15.

Staff costs are the biggest portion of the budget, \$48 million or 45% of the budget, for a total number of 293 persons on payroll right now. And the FY '16 budget was approved in June. And one thing he noted in addition to that 58 million in auction proceeds, there's still \$162 million from the new TLD program in revenues, about half the total revenues from application fees, which are sitting there unexpended against program costs to date.

So I thought that was significant. I don't know what, if any, plans there are for the funds long term if they're not all absorbed into the program, if they'll go to reducing second round costs or application fees, or somehow be used in another way, but I took note of that.

So that's the quick update of the key points I took from the stakeholder call. And does anyone have any comments or questions about anything I covered? Well hearing now, it's 11:40 am Eastern Time US. I know it's a time when many folks are away on vacation, so I thank all of those who joined today's call. We can wrap it up now.

And again in my new role of interim chair, I want to again reiterate that I'm always open to hearing from any member of the BC with any questions, concerns or any other input they want to provide to me while I hold this caretaker role. And I look forward to serving the BC over the coming months and to talking with all of you on the next call, which we'll schedule in two weeks. So I think that's a wrap.

Man: Thank you.

Phil Corwin:     Bye all.

Woman:           Bye.

Nathalie Peregrine:   Thank you very much, (Martin). You may now stop the recording and  
transfer the line into the next call.

END