

ICANN

**Moderator: Chantelle Doerksen
February 11, 2016
10:00 am CT**

Coordinator: The recording has been started. Speakers, you may begin.

Chantelle Doerksen: Okay, thank you. Good morning, good afternoon, and good evening.

Welcome to the BC Members call on February 11, 2016. On the call today we have Jimson Olufuye, Kevin Audritt, Lawrence Olawale-Roberts, Laura Covington, Geoffrey Noakes, Jay Chapman, Ellen Blackler, Andy Abrams, Marie Pattullo, Steve DelBianco, Olga Yaguez, Andrew Harris, Cheryl Miller, Philip Corwin, Jay Sudowski, Beth Allegretti, Barbara Wanner, Susan Kawaguchi, Tim Chen, Angie Graves, and Denise Michel.

We have apologies from Chris Wilson, Steve Coates, Gabriella Szlak, and Marilyn Cade. And from staff we have, myself, Chantelle Doerksen.

Laura Covington: Hey, it's Laura.

Chantelle Doerksen: I'd like to remind all participants to please remind - please remember to state your name before speaking for transcription purposes. Thank you ever so much and over to you, Cheryl.

Laura Covington: Excuse me, it's Laura joining. Just I don't know if there was time for me to get in the roll all but I just joined a little late, sorry.

((Crosstalk))

Cheryl Miller: No worries. Thanks, Laura. Hi, everyone, this is Cheryl Miller. And unfortunately Chris Wilson had to send his apologies so I'm going to do my best to chair today's call.

And I think we're going to start out with a policy discussion with Steve DelBianco. So, Steve, if you're ready we can just launch into that if that's okay with you.

Steve DelBianco: Absolutely, Cheryl. Appreciate that. Hey, everyone. I send a policy calendar around early yesterday and then last night and update. So Chantelle, you've got the PDF and it would be great if you could put that into the Adobe. We will get through this quickly and segue to Phil and Susan to cover the Council portion. And then back to you, Cheryl, to talk about the Intersessional if that's okay.

So look, we filed four comments since we last had a phone call with the BC and most recently on 3 February we filed on this CDAR, the Continuous Data Driven Analysis of the Root Server System. Denise Michel, thank you for really taking the lead at the last minute are not and excellent drafting. And then Angie Graves offered some great edits.

And let me note that ours was one of only two comments that were filed on that. And I think it's apparent that the BC, once again, is probably the one constituency that ICANN can count on to give a substantive comment on

things affecting, you know, the business community and technical space. So Denise and Angie, thanks for that.

On 27 January we commented on the RCEP for the Registry Agreement for a handful of brands and open gTLDs. Andy Abrams drafted out for us based on previous comments we've put in. And let me note, ours was the only comment that went in on that RCEP. I'm not sure this RCEP process is working the way ICANN and all of us designed it to because for many of these RCEPs it is only the BC that comments. And it's not at all clear that our comments have any bearing on subsequent RCEPs for policy. We're going to need to really press on that and that might be something we talk about in Marrakesh.

On January 22 we filed comments on the new gTLD Marketplace Help Index. This is a top-down proposal from ICANN to try to come up with a metric or numerical index on the health of the market place for gTLD vendors, gTLD providers. And there were 15 comments submitted. We weren't the only one.

So Angie Graves and Paul Mitchell of Microsoft came up with a draft with excellent edits from Olga from eBay, Denise Michel, Phil Corwin and Andy Abrams.

And then finally on 22 January we also commented on the proposed supplemental registration proxy service for the XYZ.com registry. And ours there was one of only two comments filed which is really surprising given this speaks to the notion of whether these Chinese-based proxy providers are going to be covering Chinese nationals whether or not they are in China when they register domain names.

We raised some outstanding questions and have yet to see any kind of a reply from that. Thank you to drafters, Andy Abrams and Aparna from Google, Tim

Chen and Phil Corwin. So thanks again to all the volunteers. Your work pays off.

Now the current slate of ICANN public comments is relatively light so we'll get through this pretty quickly. The current slate let me start off with the first two which are we have combined, right, this is the registration data access protocol, we read that as RDAP, and this is the operational profile for the registries and registrars on how to handle registration data access. And the BC has long commented on that.

And we are combining that comment with the proposed implementation of thick Whois, which is a policy that was approved a long time ago but is only proceeding very gradually in phases. And the phase that we are looking at now is consistently labeling and display of the Whois output for all gTLDs. And the comments, they close on 15 February.

The BC is responding to both of these together in part because they are parallel tracks. One is addressing thick Whois, is addressing the current access to the current Whois. The other is talking about where we moved next with registration data access.

And on top of that we have a brand-new policy development process, or PDP, on the next-generation registration directory service. Something Susan Kawaguchi led our efforts on Wednesday had an Expert Working Group. So we are not the only ones who think these are combined.

For those of you who read ahead in the policy calendar you'll see that Item 7 under the Council discussion a week from today is teed up exactly the same way, it's a discussion of policy implications of adopting this RDAP in the view of other parallel efforts would impact such as the PDP directory service

to replace Whois. So Council is going to get a briefing and week from today on RDAP, the linkage to thick Whois, and the operational profile requirements.

Well, you know, I think it's great, Phil and Susan, that they're going to brief Council on that but they're going to brief you three days after the comment period is over. So anything you learn on that council briefing is not going to do us much good if the comments all have to be in ahead of time.

So we have a three page draft that has been put together. I mean comment huge kudos to Barbara Wanner, Cheryl Miller who worked on that, and then Aparna and Andy helped out with some edits. It's a three-page comment. It's the first attachment you have on my policy calendar. And as I said, it's due 15 February. We have a little more time left. But I want to call attention to BC members on providing inputs on that.

I will also note that BC members have also expressed interest in joining that PDP on next-generation services. And currently Beth Allegretti and Jeff Noakes of Symantec - Steve Coates has moved to a different PDP, the one on next round subsequent procedures.

So let me stop there and ask for questions for Cheryl and Barbara, Andy and Aparna or suggestions to make edits to our draft. I'll take a quick queue. Okay, go ahead, Susan.

Susan Kawaguchi: So once again I promised, you know, a day keeps moving out. And I just got back from vacation. But there are some other comments I'd like to make specifically with the RDAP. So I'll try to get to that today. I know I said that two weeks ago but it was a little crazy getting out of the office on vacation. So I will try to get that out tonight to the BC. It's not a huge amount of comments,

just, I think the draft looks pretty good, but just want to emphasize a couple points.

And then on the RDS Working Group, I've applied to be part of the leadership team. And so it looks like and as council liaison to that PDP I have been an interim chair. It looks like Chuck Gomes will be chair, which is a good result. And I will be vice chair. And we will probably have three vice chairs. So we've got a strong leadership team for the RDS also.

Steve DelBianco: Susan, that's fantastic. Who did you say the chair would be?

Susan Kawaguchi: Chuck Gomes.

Steve DelBianco: Oh fantastic.

Susan Kawaguchi: Yes.

Steve DelBianco: Fantastic. And you and he work so well together. So this will be a good opportunity for this new RDS. Now was Chuck also on the EWG with you?

Susan Kawaguchi: No, he was not but he followed it extremely closely and was a great supporter of the EWG. So and he has a lot of good ideas and wants to make sure that the leadership team really directs this first phase and so that we, you know, we are aiming to get the first phase done in a year which may be a little bit ambitious but hopefully we can move past some of the styling factors that have been in place.

Steve DelBianco: Yeah, it's complicated, and it's overlapped with that think Whois and the RDAP. So we need to make some sense of this.

Susan Kawaguchi:Right.

Steve DelBianco: And let me note too that I will remind you if I don't see something from you in the next couple of days to add your edits to the first attachment on this. You'll see that it includes some markups from Andy and Aparna. And please just add yours.

At this late stage it would be better for you to add your proposed edits more so than raising questions or comments...

Susan Kawaguchi:Right. Will do.

((Crosstalk))

Steve DelBianco: ...an address. Go ahead.

Susan Kawaguchi:I will do that today.

Steve DelBianco: Thanks, Susan, appreciate it.

Susan Kawaguchi:Okay.

Steve DelBianco: Okay and seeing no other hands up and let me move to just two more. There's a Privacy and Proxy Services Accreditation recommendation for the board consideration. And these comments don't close until 16 March which is after Marrakesh. Now the BC last commented on this over the summer in July. And Ellen Blackler did a great job on the drafting.

At this point now, the board is considering its final approval. And they rarely modify that PDP where recommendation when they approve it. So it's not as if

we are going to try to undo the recommendations that made their way through Council. The most we can do is point out concerns for implementation. And I think that's our best opportunity. So we would want to revisit the comments we get in July and then highlight several items that we want the board and staff to pay attention to as they implement because they are going to approve this.

The board almost always approves these PDPs that have come through Council. And we are just going to want them to pay attention to implementation. Any other comments on that? And do we have a volunteer to work on that between now and 16 March?

Ellen, fantastic. Thank you. And, again, I want to knowledge the work you did in July on the first round. Anyone else can assist Ellen? Again, this is number 3, the Privacy and Proxy Services Accreditation issue. And then Susan will help you, Ellen, if you do the first draft. Great. Thank you.

All right, the last item on here is a geographic regions review. And what the working group has recommended is that ICANN should redouble its efforts to increase the geographic diversity of those who attend and work in ICANN. That's not a surprise.

I don't see anything in there that I thought was particularly controversial. But is there any BC member that has a level of interest in this geographic diversity? And I know we have several in the BC and it's something we're working on. This is a long-term comment, it doesn't close until 24 April. But it would be great to have some more disparate elements of worldwide geography to weigh in on whether these recommendations will actually accomplish the goal.

Do we have any volunteers that want to sign up now? Because I can continue to come back to this when we get together in Marrakesh. There is quite a bit of time left.

Andrew Mack: Steve, this is Andrew Mack. I'm happy to jump in on this one with somebody else if they will.

Steve DelBianco: Thanks, Andrew. Appreciate that. That's number four on the policy calendar. So Andrew, if you click on the link I have provided it'll show you the report they've put together. It ought to be evident which of their recommendations have promise, which are weak and which we can add to and perhaps the BC can offer more. Okay?

Andrew Mack: Terrific. I'll take a look at it.

((Crosstalk))

Jimson Olufuye: Yeah, Steve.

((Crosstalk))

Steve DelBianco: Jimson, was that you?

Jimson Olufuye: Yes, that's me. Jimson. So also joining that.

Steve DelBianco: Thank you, Jimson.

Cheryl Miller: And this is Cheryl. I can also help if you guys need extra help but if not, you know, either way.

Steve DelBianco: Thank you, Cheryl. Now Susan, you're asking me can we comment on gender diversity in that comment. I think the answer is probably no. It wouldn't be germane since it was a working group set up specifically for geographic regions. However, we ought to slip it in somewhere near the end of it does suggest that geographic diversity is only one element of diversity, the BC is also concerned with diversity and the types of individuals that we select, as you say, the gender diversity. So why don't we find a way to add it in? And I'll mention that Andrew, Jimson and Cheryl, let's find a way to add that in to what we come up with too. And Susan is agreeing. Great, thank you.

I'm going to give you a quick update now on the reconsideration request. If you recall last summer I can sign a renewal of the dotTravel Registry agreement. And then they went ahead and did the same thing with dotCat and dotPro. And these were sponsored top-level domains that were first set up many, many years ago.

With a renewed those contracts, ICANN imposed a provision from the new gTLD program that the BC supports, right, it's called the Uniform Rapid Suspension. Supposed to be the fast lightweight version of a UDRP that suspends a domain instead of transferring it the way a UDRP did.

Now we think that's a decent policy but it's never been subject to any bottom-up policy development in GNSO. So the BC raised the point of order, a point of process here to say that ICANN shouldn't be imposing a URS on these new registry contract renewals before subjecting the URS for policy development. So it was a matter of principle.

We were joined in the reconsideration request challenging the board signing those contracts, we were joined by the Non-Commercial Stakeholder Group. And the board took quite a while to get to this reconsideration request. And no

surprise, on 21 January they denied our request. And they used a process point to deny it. They said that we did not demonstrate that the board failed to consider any material information.

So again and again the reconsideration process says the board, you made a wrong decision because you didn't consider certain information. And their answer is almost always, oh yes we did consider it, we just disagree with the interpretation. It's a very weak basis for us to challenge a decision. And it's too easy for them to oh yes, we considered it. So very unsatisfying results.

I did want to add this though, the Cross Community Working Group on Accountability, took up one of the BC's suggestions from 2014, one of the suggestions was to strengthen not only the IRP process but also the reconsideration process. And sure enough, that's in the final supplemental that will be circulated the end of next week for approval by the chartering organizations.

We have narrowed the grounds under which the board could dismiss a reconsideration request. It's under Recommendation 8. We are going to require the ombudsman to make an initial substantive evaluation before turning it over to the Board Governance Committee so it's not the board itself and the General Counsel doing the work because often we are challenging a decision they made so it was really inappropriate to have them be the ones who evaluate whether the challenge was appropriate.

We are going to provide a rebuttal opportunity so the requester, in this case, the BC and the NCSG, would have an ability to rebut the boards per luminary conclusion on a reconsideration. I think that's a huge improvement.

And then finally, we have brand-new transparency requirements for the board to indicate how they really considered all the material information. And we are going to impose deadlines on an answering. Because as you know, they make best efforts at 30 days but this one dragged on from October 13 until January of 2016.

All right, if there's no further questions, Phil Corwin, your head is up. Go ahead.

Phil Corwin: Yeah, thanks Steve. And just a quick -- two quick comments. One, in reviewing the BGC's response, which has now been rubberstamped by the board, we got a notification on that the other day, earlier this week, what particularly drove me crazy about the response was they're saying that we have provided no evidence that ICANN staff had decided to put the URS in the contracts when it was in their original announcement that they had made that decision, quote, for the sake of consistency, unquote. So, you know, I didn't know we had to bring evidence of things this staff had already admitted to.

I did have a discussion with Ed Morris during the NCPH meeting in LA regarding whether it might be useful to do a DIDP to try to get some background on how staff arrived at that decision and what -- and I apologize for any noise in the background, their testing alarms in my building -- so I told them, you know, I couldn't commit the BC to that but that we'd look into it. That's it.

Steve DelBianco: Thank you, Phil. All right, Phil, I wanted to turn things over to you and Susan to discuss the GNSO Council meeting coming up in a week and the agenda that you have. That's all contained in Channel 2 on the policy calendar. I included the updated agenda the Council published just last night. And when

you're done with that will go back to Cheryl to talk about the Intersessional and then I can talk about the accountability. Phil. Susan.

Phil Corwin: Yeah, Council, we've got a meeting next Thursday. And again apologies for the noise in the background. The key thing we're going to bode on at that meeting is on the motion to proceed to a PDP on review of all RPMs in all gTLDs. We're not taking up the charter next week because Chair Bladel has indicated that some stakeholder groups have indicated some concerns about the charter. I'm not aware of what those concerns are. I don't know if Susan has any clue to that.

But I did send him an email to James and - on the council email list this morning asking for some explanation so we could prepare to discuss those concerns at least at next week's meeting. And I would assume that we're going to try to finish up on the charter during the Council meetings in Marrakesh.

We're going to - the big thing of course is considering the final accountability proposal.

Steve DelBianco: Phil?

Phil Corwin: Yes.

Steve DelBianco: Phil, before you leave the topic of the review of all RPMs and all gTLDs, I wanted to tell you that Kathy Kleiman, at the State of the Net, was lobbying very hard to do the UDRP first, not second. And that may be the source of disgruntlement over the charter, is the order in which things are tackled.

Phil Corwin: Yeah.

Steve DelBianco: I think you are part of that conversation we had with Kathy, but let's be alert to that. Thank you.

Phil Corwin: Oh yeah, I was part of that conversation. I think I explained to Beat why the BC and just about everybody else who commented believe that the RPMs should proceed first in order to get them out of the way in preparation for second round so we can have a UDRP review that isn't caught up in the timeline for a second round of gTLDs. But if that's the concern we'll address it, but I don't believe there's any support outside the NCSG or some parts of the NCSG for that position.

And again, the draft motion follows the BC comments, which was a two part PDP with review of the new gTLD RPMs first followed by the first ever review of the UDRP.

So moving on to the accountability, I shared with the BC about an hour ago an email received last night from James Bladel regarding the fact that Council had to complete its consideration by Marrakesh and proposing some different ways to address that. I indicated that my preference would be to go for that special Council meeting on Monday, February 29, the week that most people will be leaving for Marrakesh. I'll be heading for Marrakesh on Thursday the 3rd. But I thought that we need to be comprehensive about this.

And, you know, I don't think we should start -- wait to start the discussion after arriving in Marrakesh, we should get as much done before arriving in Marrakesh and then identify any problematic recommendations that we can focus on in Marrakesh. So I welcome BC feedback on that because I want to get back further to James in regard to the preference for how the Council handles that.

So do we have any comments on how the Council should address the accountability recommendations?

Steve DelBianco: Phil?

Phil Corwin: Yeah.

Steve DelBianco: Let's do a full segment on the CCWG Accountability.

Phil Corwin: Okay. Okay.

Steve DelBianco: So I figure we'll handle that after Cheryl reports on the Intersessional if that's okay with you.

Phil Corwin: Okay. And then the other things we are going to discuss next week are an update on that GNS review. We got into that quite a bit at the NCPH meeting. And no one is very happy with the results of this review and how it was conducted. And then on RDAP, we're going to discuss RDAP implementation and whether it overlaps with other things that are going on in the process.

And that's pretty much it other than discussing next Thursday how we're going to proceed in Marrakesh, which I think is going to, you know, the agenda is going to change somewhat because of the need to complete work on Accountability proposal in Marrakesh. So that's my report. Susan, do you have stuff to add to that or comments on things I...

Susan Kawaguchi: No. No, I think you covered it completely. Thank you.

Phil Corwin: Okay. Do we have any comments from members either on the RPM review, motion and charter, or on Council handling the Accountability? If not we can

proceed to the next agenda item. I see no hands up and here none so why don't we go to the next item on the agenda? Thanks.

Steve DelBianco: Thanks, Phil. I think Gabriella Szlak did write something back with respect to the RPM charter and motion so check the email from Gabby this morning.

Phil Corwin: Oh I did, and I responded to her, and right after that response I made my inquiry to James making specific inquiry as to which SGs or Cs had concerns about the charter. Again, if it's put in the UDRP first I don't believe there is any support for that outside some elements of the NCSG.

Steve DelBianco: Thank you.

Phil Corwin: I'm not even sure that it's unanimous within that group.

Steve DelBianco: Okay. Hey, in the chat window Tim Chen had asked, when we brought up the RCEP work, Tim Chen said, you know, how do we query and find out what ICANN is doing with all these RCEPs? We're the only ones to comment. It doesn't seem to affect the behavior of the registry recipients. And it doesn't seem to be impacting the way ICANN approves them.

And then I asked on the Adobe chat that maybe the insight about what staff does on RCEP comments could come from someone like Denise Michel who has so much experience having worked at ICANN. And, Denise, I realize you're not on Adobe chat so sorry I didn't get you. But...

Denise Michel: Yeah, I'm...

((Crosstalk))

Steve DelBianco: ...you don't have to do it now and if you're uncomfortable discussing...

((Crosstalk))

Denise Michel: It's fine.

Steve DelBianco: ...it's fine.

((Crosstalk))

Denise Michel: I'm sorry, I'm on a train...

Steve DelBianco: ...what happens to RCEP comments that are submitted.

Denise Michel: Yeah, I'm sorry, I'm on a train so my connectivity is not good. Can you guys hear me?

Steve DelBianco: I do.

Denise Michel: So the real focus for staff is running the RCEP proposals initially through the technical review consultants that they have. I have seen very few if any staff action in the past in considering other substantive comments regarding RCEP. I think it was (unintelligible) the issue of perhaps we need to take a look at the RCEP process. It's been, what, almost a decade since it was created. It hasn't been reviewed since then.

We have an exponential increase in registries and registry contracts and we can expect I think an exponential increase in the RCEP process with very few community members commenting on RCEP proposals. I think it's an excellent

time to raise this issue with staff if we've got time. And other community members of course if we have time in Marrakesh.

Steve DelBianco: Denise, thank you. And I know you mentioned this last week at the Intersessional, I think you're really onto something. And insights from someone like yourself who's been inside senior management level are really valuable. So I'd like to suggest to all the BC members that we follow Denise's advice and make this a priority for us in Marrakesh.

Is that - while the community feels like there's way too many reviews going on, we think it's prudent to do yet another review, maybe fit it into a review we already have, that the RSEP process never been looked at and the dramatic increase in new Registries means that there's going to be so many more RSEPs.

We need a more systematic way to figure out whether the community has adequate means to address an RSEP and whether staff properly takes into account what the community said. Are there any objects to adding that to our topic priority list for Marrakech?

Denise Michel: This is Denise again. I'm - apologize for not being online. But perhaps a more manageable way to approach this is to suggest a - that a consultant be hired to do some research and analysis, really pull together data about what has occurred.

In the past all of the RSEPs - I think instead of using the R word in an overburdened community I think a good first step would be to have ICANN quickly hire a consultant to do the basic data gathering and analysis and provide the community, you know, with a very straightforward report about what has happened in totality with the RSEP program since its initiation.

And I think using that information as a stepping off point for how we look at this program might be a good step.

Steve DelBianco: Great idea. Let's avoid asking for a review. The community will all just moan when we say that so let's ask - a resource. That's another R word - a resource that - ICANN is going to need a resource for RSEPs.

So Denise I know you're on the train. If you get a few minutes to type up your thoughts as an email to BC private, we'll stir it into the mix of topics that we want to bring to the attention of the Board when we meet with them on Tuesday in Marrakech.

But it's something that we might even say at the mic at the public forum, but we'll look for any opportunity possible to get the rest of CSG on board, maybe even the rest of GNSO. But thanks for those good ideas. Appreciate that.

Denise Michel: Sure. I'll send an email to the BC list to make sure that everyone in the BC is on the same page before we move forward on this. Thanks.

Steve DelBianco: Hey Cheryl you're chairing the call and the next thing in order would be Intersessional and then I could come back in and talk about accountability.

Cheryl Miller: That sounds great Steve. I apologize for any background noise on my part. I think there's a jackhammer outside my window. So if I'm not coming through clear just shout, okay?

So we had our third Non-Contracted Party House Intersessional meeting last week, and I certainly want to thank Chris, Steve, Denise, Phil, Jimson and Marilyn for their participation and for representing the BC.

We had good participation although we could've had some greater ICANN staff participation, but we did receive some briefings from outgoing CEO Fadi Chehadi, David Olive, Akram Atallah, Xavier Calvez, and I'm going to completely butcher her name, Tanzanica King.

And I think a couple of the outcomes that are worth noting - I'll run through some of these. And we also - we have a meeting article on this that we're going to send out and a special thanks to everyone who helped on that.

One outcome was the establishment of the discussion group on the GNSO structure review. Right now it's composed of Christian Dawson and Susan Payne.

It's going to be open to other House members that want to participate. I think some of the key issues that they'll focus on will concern the election of the House Board members and Council Vice Chair.

During the plenary itself we actually had an opportunity to outline some of the certain qualities that a candidate should likely possess for consideration, and so that was a useful exercise for sure.

Another outcome - I think we hopefully are gaining a better understanding of the current state of the auction proceeds and their uses. I think it was stated that they're currently over \$100 million.

Staff reported to us that they are going to introduce a process that'll launch a community working group on the auction proceeds, and that will be led by the GNSO.

So the drafting team will hopefully create a charter and there'll be delegates assigned to this drafting team. Apparently Jonathan Robinson and Tony Harris will be representatives to this drafting team as of right now.

A third outcome - I think we did receive a briefing on the new generic top-level domains. I think there are about 400 TLDs now remaining by Akram's report that'll be delegated.

And we also received some input on the status of Dot Africa as well, and also just some feedback on the resolution with respect to Stress Test 18 and we had a good dialog about that.

And Steve I know you were very involved with coming up with the latest compromise, and so anything further that you want to add on that or, you know, explain on that I'd welcome you to do that after I kind of run through these other two points.

And I think also a good briefing on the meeting B format. I actually was not there. I had to step out for that portion of the meeting. But it is my understanding that as of the recent reports on the Zika virus - have come out Panama may be off the table as a location for the second meeting this year.

So I haven't heard anything further. I don't know if anyone else on the call has with respect to what the new location could possibly be. And we also received a briefing from David Olive with respect to the policy development of the GNSO.

And he explained that it is truly the lifeblood of the GNSO, and he's indicated that ICANN is actually working on a portal that is going to allow for real-time information to be categorized by stakeholder groups, et cetera on this and so it seems like a positive development.

But I would welcome the thoughts and inputs of anyone else who attended the meeting. I'm sure I've left out many things but please fill in the blanks if you wish. Thanks.

Denise Michel: This is Denise. I just wanted to underscore the discussion that we had in the BC and then again in the Commercial Stakeholder Group about the structural issues within the GNSO.

Really separate from the GNSO review which only brushed against this issue, the discussion that we had - for those of you who weren't in L.A. the discussion that we had really centered on the sort of systemic minimization of the Business Constituency's positions and priorities and activities as well as the other two Commercial Stakeholder Groups as well.

You know, we believe this is happening not only at the Board and staff level but, you know, but also at the Council level. The current structure of the GNSO and the process that is being used to focus so strongly on the stakeholder groups and a - are really - tries to balance the totality of the Business Constituency and the Commercial Stakeholder Group with the small individual representation of the - basically the NCUC is doing the disturbance to our company's commercial organizations.

And so I can provide you with more information about - that's a lengthy discussions that we had amongst the commercial groups in L.A. But what we

want to start is the discussion about how we either through processes or perhaps through your organization raise the level of effectiveness and standing of commercial representation within the ICANN community.

And so this is the discussion group that Christian and I, Tony Holmes I think and a few others are just broadly starting to discuss (unintelligible) at this point.

Cheryl Miller: Okay was there anyone else who had anything else on this topic?

Philip Corwin: Yes this is Phil. I've got my hand up.

Cheryl Miller: ...ahead Phil.

Philip Corwin: Yes. A couple of things quick. Panama is definitely off. I'm assuming that's because they had to cancel the contract fairly soon to not have a significant monetary loss.

But if Zika's a concern it pretty much rules out everything south of the U.S.-Mexico border and Central and Latin America and also the Caribbean. There's Zika in Puerto Rico and the last meeting of the year is in - scheduled to be in San Juan but we'll see what happens.

I just want to note I took extensive notes during the CSG conversation with Fadi, and I'm typing them up this morning and I'm going to share them with the full BC once they're ready later today.

But two things. One, he was grilled rather toughly on his co-chairing the World Internet Congress in China, co-chairing the Advisory Committee. And

his stance was that - and he was also asked about the Cruz letter which had just come out the day before.

And he said that his stance is pretty much that the Cruz letter is politically motivated, there's no substantive concerns and that he's going to respond quickly.

I would think from the BC we'd want to be assured that we get a copy of that response when it's sent to the Senate. The other thing that caught my attention was that Fadi talked at some length about the Board meeting that he had just come from in Singapore and about all the planning that's going on for a post-transition ICANN with a different stance toward the world, and said toward the end that once the proposal is sent to the NTIA then the community will be asked to engage in a dialog about that new post-transition ICANN.

But that gave me some concern that once again the Board's making some significant plans without any advance discussion with the community. But that's on the radar screen now and we should try to find out more about what those plans are. That's all I had.

Cheryl Miller: Thank you Phil. Was there anyone else? Okay then let's go to our next item. I think Steve you wanted to follow up?

Steve DelBianco: Yes thank you Cheryl. Folks Pages 3 and 4 of the policy calendar are my summary for you of where we got to this week on the Cross Community Work Group for Accountability.

Short answer is the CCWG has concluded our recommendations and we are packaging them for presentation to the chartering organizations, one of which is GNSO.

GNSO should have it by the end of next week. That gives the GNSO an opportunity to look at all 12 recommendations before Marrakech, but we do realize that some of the other chartering orgs like the GAC or ccNSO - they may - may not get to their approval until Marrakech. We don't know for sure.

But the Board of Directors of ICANN is prepared to package and forward the current set of recommendations to the U.S. government, because they have participated for the last month and a half on every recommendation and given us their comments early with the promise of no more surprises from the Board, and yours truly will be holding them accountable to that promise.

The BC had concerns about the two items and it turned out that many others in GNSO did as well, and there were sticking points over what to do about contracts.

We want to narrow ICANN's mission but at the same time ICANN ought to be able to enforce contracts where a Registry voluntarily said that it would restrict who the Registrants are in a Dot Bank for example, and it might even restrict the use or content on second-level domains in a TLD as part of their community application or as part of the promise they made to attract Registrants to their space - again Dot Bank but a lot of the community TLDs were the same.

So this became a point of difference with many others in the GNSO. The ALAC sided with the BC and the IPC of wanting to have strong contract enforcement even within the mission statement.

The compromise that we came up with is that it includes the words that ICANN shall have the ability to negotiate, enter into and enforce agreements

with Contracted Parties including FIC specification in service of its mission, and for avoidance of doubt there will even be a grandfather clause on that.

So it might be that the next round won't have Registrant and content restrictions baked into the contracts, but any contracts that were signed that way are going to be enforceable by ICANN so that's a big win for the BC.

The other area contention was the role of governments and the governments have two functions. They advise the Board of Directors in a very special privileged position where their advice gets great deference by the Board.

And the other is that we created this new set of ACs and SOs and what we call the empowered community, and because of course the GAC is one of the ACs and SOs we invited them as a multi-equal stakeholder to participate in that process as well.

That caused great consternation at the Non-Commercial Stakeholders Group, and at the same time the Registry and Registrars were concerned that if we did a PDP and the GAC had objections that we'd have a concern with trying to get the GAC advice to be reconsidered if the Board acted on GAC advice.

Long story short is that we came up with a very interesting compromise that improves upon what the Recommendation 11 was in the third draft and the BC just supported what was there.

To summarize when the GAC develops advice to the Board of ICANN the GAC has to use broad agreements in the absence of any objection and that's their current rule.

It's a U.N. rule for consensus among governments. We are locking that into the bylaws to say that if the GAC wants its advice to have that special deference from ICANN's Board, the advice has to be certified as being arrived at under that very strong consensus rule in the absence of any objection.

And in that case the Board of Directors would require ten votes instead of nine, that is to say 60% instead of 51% to reject that GAC advice, at which point under the current bylaws the Board and the GAC enter a - an attempt to find a mutually acceptable solution.

The - they're not obliged to mutually agree. They're just obliged to attempt. And we also did the carve out to say that if the Board followed GAC advice and the community wanted to mount a challenge, and independent review challenge or block a bylaws change, that the community could not find itself stopped from that challenge because the GAC jumps in to say, "We object to letting you proceed with a challenge because the Board was taking our advice."

So if you see the logic of that we are carving the GAC out of being able to veto a block, a community challenge to the Board if the Board accepted and acted on GAC advice.

That did not make very many GAC members happy but the GAC doesn't have an official position on that. They were neither in favor nor opposed to Recommendation 11 earlier and I doubt they will be able to come up with a universal position on either of those.

This was designed to make sure that the GNSO, which is truly the key organization with respect to the gTLD space - that the GNSO would not reject Recommendation 11.

And we have pretty sound assurances that it has satisfied Registries, Registrars and the Non-Commercial Stakeholders Group at least to the degree that not all of their votes would be against it, although I do expect some of their votes to be against it.

So I'll stop there. Happy to take questions. There's a lot of detail in my policy calendar. No need to go through it all. Back to you Cheryl.

Cheryl Miller: Thank you so much Steve. Did anyone have any questions on the call? Okay well - and very much appreciate the detail that you did include in the policy calendar. It's very, very helpful.

I think we want to move next to operations and budget. Jimson I know that you've been working very, very hard on all of these different budget documents so we're very, very thankful and appreciative of all your work on that. Did you want to run through a few items for us while we have you?

Jimson Olufuye: Okay. This is Jimson. Thank you Cheryl and thanks to Steve for a comprehensive report. I will talk about three things, first on the budgets requests and secondly on the status of our EIN application and lastly on the outreach.

Well this year we're submitting about seven budget requests. The idea of budget request is for us to engage ICANN so that we can have financial provisions for some of our core activities.

So as you can see on the screen we submitted requests for this leadership development, for travel for two potential leaders in developing countries to attend two ICANN meetings and two BC reps but in IGF or wish list - annual wish list between FY17.

So this is already ongoing but this year we've adopted the position now for six potential leaders to attend ICANN meeting because of meeting B. We do not anticipate any other call for meeting B so instead of that we're appropriating say BC rep to be at IGF or wish list to also engage in outreach as much as possible.

Then second one is subsidized travel for all four of the CL class to attend ICANN meeting where an officer entity can defray travel - members' travels. Members can then use the support based on established criteria.

We have a criteria right now first that if an officer is not able to or is - does not wish to use that travel support the members can use it. So this time around we are applying for four instead of three to cover the four officers just of - in case we have officers, their entity unable to provide the travel.

Then the third one is outreach event for four outreach events in FY17. You can recall that during our last public speech in the public forum in ICANN54, we did underscore the need for more engagement of outreaches.

So we asked to submit for more outreach this year and then this year's for Madrid we'll match this funding request. The fourth point is on artist material for BC publications.

ICANN has been providing this so it just to ensure that it is for that captured in the budget for FY17. Then on policy assistant we made this application last year and it was approved.

So ICANN is working on the modality to get a policy assistant that will help with the publications and they'll help in our research. They'll help in history and the extension of memory for all of the policy activities.

And I want this opportunity of course as you all do or know to thank Steve. He did a fantastic job but which is a light load when looking at getting more support down the line.

So the process at this time for policy support to have with BC policy position tracking with such publication with oversight by vice-chair policy.

Then the sixth one is for secretariat support. We already enjoy Chantelle's great support so we want this to continue so we're putting that forward. Then at the entity's Intersessional members agreed that we need to make our request for a bit - a meeting in FY17.

That's been very productive based on Terri's report and you all agree that should continue. So I want to really thank this announce committee, Chris Chaplow, Angie Graves, Marilyn Cade, Denise Michele, and their great input in this regard.

Then on the EIN we did discuss with the - with Lori of, you know, the IPC and we are making headway. So the conclusion is that we have to find another language for the indemnity so that we can go ahead on the EIN application for BC.

Lastly, there will be outreach in ICANN55. I want to thank Andrew yes so far to translate this new movement of where ICANN be defined to French so I will offer it as the local language. Andy can you quickly in one minute chime in on that?

Andrew Mack: Sure. Thanks Jimson and thanks for the nice words. A couple of things. First of all we've been under the ask of the organizers of this particular event really, really well.

And so we were there in Morocco with them in December so we've been reaching out to them to try get as much as possible information about the potential BC members that may be attending.

It's still a bit of a moving target and unfortunately for us Casablanca not Marrakech is really the area where most of the private sector people are. That said we're getting some, you know, we're getting as much information as we possibly can.

We will have everything translated into French. Chantelle tells me that that's something that we could do in the future into other languages through ICANN.

But at this late date they can't so we can't so that should be fine. There will be an event that Chris Montini is doing there and I'm going to be participating in that.

And there may be a number of other possible - I think we're trying to figure out whether there's going to be enough critical mass of people from the BC to see if it made sense to try to pull together an informal cocktail.

And I'll get back to everybody on that as soon as we find out more about it, but it would be something that we would be probably trying to do on the quieter side.

It's just that it's really unclear yet how many people who are potential members are going to be in attendance in Marrakech. And if anybody needs anything I know both the hotel and the organizers quite well and would be more than happy to facilitate should that be necessary. Cool? Thanks.

Jimson Olufuye: Okay thank you Andrew. So I don't know if there is any questions so I'll go back to you Cheryl.

Cheryl Miller: Great. Thank you Jimson and Andy. Are there any other questions on this point? Okay well we have just a couple of minutes left and our last item is other business.

It looks like our proposed next meeting is going to be February 25. And with respect to ICANN55 I guess if folks are planning to attend maybe hopefully we - you can let us know and we can put together a sheet on that so that we know who's going to be there.

Did anyone else have anything else that they'd like to raise or have we missed anything?

Philip Corwin: Cheryl, Phil here.

Cheryl Miller: Yes.

Philip Corwin: Yes just we all saw the announcement this week of the new CEO, the Swedish Telecom Minister. I listened in on his press conference earlier this week.

That made a generally favorable impression. My one concern is that he may - he's - well he's going to be in Marrakech. He won't be able to join ICANN at the earliest until mid-May and it may be later than that based on when the Swedish government lets him leave his current post.

But, you know, I don't know if any other people on the call have any information about Mr. Marby or thoughts on the appointment, but it is big news this week for ICANN with Fadi leaving and a new CEO coming in late spring.

Cheryl Miller: Thank you Phil. Does anyone have any further intel that they can share? Well I do appreciate - I saw that there was sent around the audio and the transcripts from a meeting that was held by the different leaders.

I think it was this Monday and so if you haven't seen that that's a good starting point just to get a little bit of background on him. I think we're right at the top of the hour so does anyone have anything else they wanted to quickly raise?

No? Okay well if that's all thank you all so very much for joining us and we'll be sending around the details of the next call. And thanks for all the great updates from Steve and others with respect to all the readouts. Really appreciate it.

Jimson Olufuye: Thank you Cheryl.

Denise Michel: Thank you Cheryl for leading.

Jimson Olufuye: Bye.

Woman: Thank you.

Cheryl Miller: Bye everyone.

Chantelle Doerksen: Thank you everyone. Once again this meeting has been adjourned.
Operator you may now stop the recordings.

END