

ICANN

Moderator: Chantelle Doerksen
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10:00 am CT

Chantelle Doerksen: Good morning, good afternoon, good evening. Welcome to the BC Members call on March 31, 2016. On the call today we have Kevin Audritt, Jay Chapman, Jimson Olufuye, Gabriela Szlak, Chris Wilson, Claudia Selli, Angie Gravies, Hibah Hussein, Andy Abrams, Andrew Harris, Susan Kawaguchi, Steve DelBianco, Elisa Cooper, J. Scott Evans, Tim Smith, Olga Yaguez, and Philip Corwin.

We have apologies from Barbara Wanner, Tim Chen, Laura Covington and Cecilia Smith.

I also note that Denise Michel just joined. And from staff we have myself, Chantelle Doerksen. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you ever so much and over to you, Chris.

Chris Wilson: Thank you Chantelle. Thanks everybody for dialing in. It's been about three weeks or so since that BC last met in Marrakech. For those that were there, hope you made it back to your respective homes safely and without too much

trouble. I know we've got a sort of full policy calendar of items to discuss and some other issues we'll need to talk about that come up in the last few weeks.

So why don't we go ahead and die then? Steve, why don't I turn it over to you to go through the policy calendar and then we can move right along.

Steve DelBianco: Thank you, Chris. Chantelle is displaying the policy calendar which I distributed yesterday afternoon. It will start at the very top under channel 1 under recently filed. We have three comments on four different comment periods. I really want to acknowledge the great work of Barbara Wanner, Cheryl Miller, Aparna, Susan, and then Denise Michel.

A lot of it came at the very end, which is unfortunate given that comment was open for almost 2 months. But sometimes we do our best work in the crunch at the final hour. I'm pleased to say that we submitted a four-page very substantive comment covering the registration data access protocol, the RDAP, as well as the thick Whois implementation.

And during this conversation a lot of times I would bring up what the BC's prior position was as media platform, something to stand on, before we come up with our next position. And the way the BC modifies prior positions is in the process of coming up with a comment on a new public comment or a new initiative or an RSEP. And that's the process we use to shape and adjust the BCs comment given maybe changing opinions in the BC, changing priorities or maybe the situation as amended to where we want to revisit.

So it's completely appropriate for us to make adjustments in our positions. We are not stuck with prior positions. That's the whole point of trying to come up with new comments. So I appreciate all the work that went into that. And thanks again.

We also, on 16th of March, while the comments on the privacy and proxy services accreditation issue. This is for the accreditation of privacy proxy providers under the 2013 RAA which applies to all registrars who want to sell TLDs in the new gTLD space. Ellen Blackler led our effort on that and then Andrew Harris and Andy Abrams came in with some edits.

And I realized the BC has a, wouldn't call it divided that some difference of opinion about whether commercial services are to be able to use privacy and proxy. But again, I think that we, at the last minute ended up reverting to what we said in our previous comments because the debate about changing that position occurred too late in the process. And Geoff Noakes, I know you're on the line, and a number of folks who were involved in some of that.

I would just say that if we're going to make a significant change in direction that we not wait until the last day to do so because then there's just not enough time to let everybody respond. And folks will claim that it's unfair that we made a dramatic adjustment in our position. There will be more opportunities on the privacy and proxy accreditation. It'll come to implementation.

Again this was a comment on the Board's adoption of a final PDP. And in that respect we were going to adjust the very much. The most we can hope for is to highlight issues for implementation. Are there any comments on those first two? Thanks again everyone.

On February 3 you also saw the comment on CDAR and a big thanks to Denise Michel and Angie Graves for that. All right, the current ICANN public comment calendar starts at the middle of Page 1. There's a lot of them. There are seven open comments, some of them are not even due until late April or May. So why don't I focus on the first five so we can try to line up volunteers.

The first comment was on charter amendments because the gTLD Registry Stakeholder Group had come up with some amendments to their charter. Now we've discussed this on prior to calls, it's a draft charter for a different group that a number of BC members are part of companies that are also in the Registry Stakeholder Group. They've made adjustments in how they do weighted voting.

And when we surveyed the BC members who are also Registry Stakeholder Group members they didn't have any requests that the BC weigh in about that charter. So unless I see any hands raised we're not going to weigh in on the gTLD Registries charter. Great, seeing no hands.

Number 2, there is a new one called the launch of registration authentication, if the new platform for the dotMoi – or M-O-I- gTLD. Now Amazon runs this gTLD and they're proposing an RSEP registry services modification to modify the registry contract so they can accept authentication tokens from the registrars and to offer ancillary services to those registrants.

Andrew, I know you're on the line, is there any color you want to add to that RSEP from the standpoint of Amazon?

Andrew Harris: Sure, thanks Steve. I'll just say that, you know, from day one when we chose to start investing in the gTLD program our hope was to really find ways to innovate in the space. We're not interested in simply selling names; we really want to provide innovation. And this is certainly one of the goals of the new gTLD program.

And with dotMoi, which is going to be our first publicly available new gTLD of the many that we do have, this is one of the ways that we're going to seek

to try to find some innovation in a way that we feel will offer new customer experience and it'll allow customers to come through Amazon and to be – to receive authentication as they're signing up and perhaps sign-up for additional technology tools, and then get passed on from there to the registrar for the final registration.

So, you know, again we feel like this is...

Steve DelBianco: Question?

Andrew Harris: Yes, sorry, go ahead.

Steve DelBianco: A question for you, Andrew, I could not figure out from your RSEP what it is that a registrant would be authenticated for because as you just said, it's publicly available gTLD. What was the purpose of authentication there?

Andrew Harris: So I think that's going to primarily depend on the actual domain. And so, you know, for dotMoi I'm not sure that that has been developed yet, if there are specifics that are going to be associated with dotMoi. But perhaps for future ones especially, you know, when we think about things like dotAuthor where there's the likelihood that we would want to authenticate if somebody is an – that someone is actually an author to use it. I'm not exactly certain if there's going to be a similar requirement for dotMoi but my guess is it's primarily forward-looking.

Steve DelBianco: Thank you. As we all know, the RSEPs primarily look at technological concerns and competition concerns. This is a publicly available gTLD. And we don't yet know enough about the EPP for the authentication tokens or any of the technology to really dive into that. So it would strike me that it's not likely we'd have much to say about this one.

But I'd like to take a queue, are there any volunteers who want to review this RSEP and consider drafting BC comments? I know Andrew would be available to answer questions. But given his interest in it we wouldn't want Amazon to be the drafter of these comments. Any volunteers? Yes, Andrew, it raises my curiosity because I can't wait to see some of the new services that would be offered to registrants in Moi. But the RSEP doesn't describe any of that right now.

And it's a relatively light change, it's a small one or two paragraph change to your registry contract at this point.

Andrew Harris: Right.

Steve DelBianco: All right see no volunteers, thanks Andrew. Go ahead.

Andrew Harris: Yes, thank you.

Steve DelBianco: Sure.

Andrew Harris: That's all.

Steve DelBianco: Okay, anything else?

Andrew Harris: Thanks.

Steve DelBianco: Okay great, thank you. All right number three is a comment that was just extended all the way out until 16 April that we have over two weeks. And this is on a cross community working group draft framework of principles. There was a cross community working group drafted two years ago to come up with

a framework to guide how we form and operate future CCWGs. And I've got a link in there to their draft.

We have a lot of experience on these CCWGs so we are to comment on this especially if we think the report is missing anything essential. When we were in Marrakech Marilyn Cade volunteered. She suggested only one point which was that one size does not fit all. John Berard reiterated that that comment was already in the report.

So I would say where we stand now is we have nothing yet of substance to say about this report. And there are many on this call who have been part of the CCWG, myself included. I'll certainly promise, now that we have two more weeks, to read through the report and see if there's anything I can find that we want either empathize or point out as missing. Is there anyone else who wants to take a substantive look at the CCWG? Okay so I'll leave that and circulate something in advance.

The fourth one is recommendations on geographical regions review. This was a working group that recommended, no surprise here, continued efforts on the part of ICANN to increase its geographic diversity. And that would be the diversity of all those who represent themselves on different stakeholder groups and advisory committees in ICANN.

Those comments don't close until 24 April. I know Andrew Mack was good enough to draft a BC comment. It's the second attachment to my policy calendar. It's about 3/4 of the page. And, Jimson, Susan and Denise had offered just a few typographical edits.

It's a lightweight comment. And in it we try to find a way to navigate from geographical diversity to emphasize the importance of gender diversity as

well. Are there any other BC commenters who want to weigh in on what Andrew Mack had drafted? Again it's the second attachment to my policy calendar. There will be a last call just ahead of the submission date of 24 of April.

Okay, things are moving along quickly here today. Number five, Angie Graves, thank you for noting you're going to take a look at number four on geographic regions. Thanks Angie. Send it to the entire BC private if you don't mind.

Number five is a new report on the safeguards that were put into the new gTLD program to mitigate DNS abuse. These comments don't close for about 3 1/2 weeks that this will be an important one to the BC so I really want folks to listen for a moment and think about your level of interest in this and whether you can help to contribute to a BC comment.

This is a staff driven draft report on the extent to which the nine safeguards they adopted from the GAC have addressed the DNS abuse. And DNS abuse has been a trademark issue for the BC. And we supported many, but not all, of the GAC safeguards. And I have links to our previous two comments. And there's a lot of work already done here. December 2014 we do the letter to the Board. And in June of 2013 we came up with sort of a mixed but generally positive evaluation of the GAC's safeguards for the new gTLD program.

So I'll take a queue. There are many on this phone who were involved in 2013, 2014 when the BC came up with this. Who will assist in helping the BC assess this important report? Angie, was that volunteering for the new one? Thank you. Who else can help Angie? I guess it's going to be Angie and I at this point on a draft report on mitigating DNS abuse. Alright, this is an important one so it won't be the last time we are asking for volunteers.

The sixth one is the...

((Crosstalk))

Steve DelBianco: Go ahead.

Susan Kawaguchi: I'm sorry, Steve. This is Susan. I typed into the chat. I'll help on that too.

Steve DelBianco: Susan, thank you. And yet it shouldn't be that the same people are always having to do the volunteering, and I appreciate that.

Susan Kawaguchi: Well maybe we can work on the group. We'll work on that too.

Steve DelBianco: All right.

Elisa Cooper: This is Elisa. I can help on it too.

J. Scott Evans: Steve, this is J. Scott Evans. I'm happy to help. I'm sorry, I've been on mute the whole time without access to a computer so I couldn't respond.

Steve DelBianco: That's great, J. Scott. And, Elisa Cooper, did I hear your voice?

Elisa Cooper: Yes.

Steve DelBianco: Fantastic, Elisa. Welcome back and thanks for helping on this one.

Elisa Cooper: Yes.

Steve DelBianco: Great. Now number six was the operating plan and budget. This isn't due until 30 April. We've commented every year on this. Jimson always lead that effort, done a great job. J. Scott and Angie Graves, Chris Chaplow and Susan, you all helped Jimson on the last round. And Jimson, I'm hoping I can look to you to at least start preparing our 2017 draft comments?

Jimson Olufuye: Yes, Steve. This is Jimson, so I will take charge as well. Thank you.

Steve DelBianco: Thank you, Jimson. Appreciate it. And then finally, since I know Andy Abrams is on the line, the seventh one here isn't due until 10 May but it's another of these geo names release in dotTORAY and PICTET. Those are both dotBrand gTLDs. And Andy Abrams, my guess is that it wouldn't take you by the half-an-hour to refashion some of your previous excellent comments the BC can consider and submit on that.

Andy Abrams: Sure, Steve. This is Andy. I'm happy to do that. Did we ever reach a resolution at Marrakech as to the substance and whether our comments were making an impact?

Steve DelBianco: Yes, we learned – and Denise has been helpful giving us the inside perspective. We've learned that they're sometimes little attention, if any, paid to BC comments. And yet I think that we have to keep commenting while we continue to raise the heat on ICANN staff and management specifically addressing our comments.

You know, I don't think this is the time to stop commenting, probably the time to maintain our brand while we press for greater attention to what we do. I lease that would be my view, Andy, what would yours?

Andy Abrams: That makes sense. Thanks, Steve.

Steve DelBianco: Denise Michel, go ahead.

Denise Michel: Yes, just a note, we actually did not get a substantive response to our request for data analysis on the RSEP program. So I'll ping them again but we may want to just drop our comments into a more official letter, send it to the chair and acting CEO to get that moving. Yes, I would remind people that anything you put in an RSEP public comment that does not directly address the technical or competition aspects that were reviewed will be ignored. Not to say that the comment overall will be ignored but in particular they have a very narrow scope for RSEPs and only review those elements.

Steve DelBianco: Thanks, Denise. We did raise this at the public – in Marrakech because they ignored the BC's questions about the dotXYZ.com's Chinese proxy registry. And I think they ignored back at their peril because it ended up becoming an issue that was raised by, as you know, a Senate committee.

Denise, this raised an idea of putting in writing the concerns that we raised about doing a data analysis of previous RSEP implementation and enforcement. And we got general nods of agreement in Marrakech but never any action on that. So Denise, I'd like to take you up on the volunteer to craft a letter.

And this wouldn't be a critical letter but it's really putting in writing what we said in Marrakech. And it would be a letter that our chair would send to the new CEO and to Crocker. And there is no great hurry on it but if we could get back together and put it out for BC member review of that we can put a sharper point on this. Would you be willing to do that, first draft, Denise?

Denise Michel: Sure. It's not a problem. We actually don't have the new CEO and yet so it would be to the acting. But I can simply take the note that was circulated on the BC list and turn that into a letter today, not a problem.

Steve DelBianco: I think so. Yes, that's great. Thank you, Denise. Appreciate it. Okay, let me move on to Channel 2 which is the GNSO Council. And on that...

Angie Graves: Steve, if I may? I apologize. This is Angie Graves. Just on another note about comments, if I may, apologies. I volunteered for the new gTLD marketplace health index and all of our comments were noted in the returned document from staff for consideration. And they're not asking for participation from any constituency until June.

So I'm working on spending a little bit of time specifically with the staff member, Amy Bivens, who's running that to find out why all of our comments weren't included and what is taking place between now and June on that that we are not participating in. Thank you.

Steve DelBianco: Angie, thank you. And it's fine to interrupt but raise your hand if you can in the Adobe and I wouldn't have moved on without acknowledging you, sorry about that. So Angie, if you can, copy all of us in the BC on whatever notes you send into Amy Bivens and let us know what kind of a reply we get back too.

It's one thing when they acknowledge that do not implement a BC comment, but I think you're suggesting that some of our comments were not even acknowledged in a staff report at all. Did I get that right?

Angie Graves: That's what I'm suggesting but I really need to spend a little bit more time on it and look at it very closely before I make any comments. I just wanted to

acknowledge that that was something I noticed in passing and would like to spend some time on. Thanks.

Steve DelBianco: Thank you, Angie. So Susan and Phil Corwin, I'm going to turn it over to you for discussion on GNSO Council. What I inserted here under channel 2, if you scroll down to channel 2 if the previous Council meeting, I put in the agenda resolutions and transcripts. The next meeting comes at 14 April and while that's more than two weeks away the new Council leadership has seen fit to publish the agenda well in advance, and I'm grateful for that.

There are many items on the agenda that are of great interest to the BC so I do hope that Susan, that you and Phil can lead us through some of those.

Chris Wilson: Susan, this is Chris. Real quick, I see Denise has her hand raised. Denise, did you have a point before we turn to the GNSO calendar?

Denise Michel: Yes, thanks. Actually I had just a quick point for Angie but as an FYI to all. Several of the comments we made on the marketplace report were very relevant to the competition and consumer trust review. I raise that with the review team in Marrakech. But I just want to point that out. We may want to officially send the BC comments on that report to the CCT Review. They have a public input email address.

And in that vein, additional items that the BC has commented on, I think will be relevant for the CCT Review Team's work. So something I would suggest we all keep in mind as they move forward.

Steve DelBianco: Yes, I'd be happy to follow up on that. And the CCT Review Team was something I'd worked on for a couple of years, I'm not on the review now but on the press team. I'm wondering if we should just send our comment

verbatim on the marketplace or do we want to extract certain elements from there? What's your thought on that, Denise?

Denise Michel: Oh, I would suggest that we just, yes, wholesale send it over so it's officially in the comment. I raised it, you know, orally in discussions with them. They all nodded their heads and agreed that they would look at it. But I think just to close the loop and make it official and have it in writing it would be good to have just send over the marketplace report. You may want to do some – we may want to do something similar on other related comments that we've sent in.

((Crosstalk))

Steve DelBianco: Okay, I'll take care of that. Got it, I'll take care of that. Okay thank you, Denise. Susan and Phil.

Phil Corwin: This is Phil. I can start and then let Susan come in. At the Marrakech meeting, the final meeting in which the Council took votes, there were two major actions. The first of course was approving the Accountability Work Stream 1 plan. And the other was approving the charter for the working group to review all RPMs and all gTLDs which covers the new TLD RPMs and the UDRP.

I am – I presented that motion. Either the GNSO liaison and interim chair until permanent chair or cochairs are appointed. That working group is, as I expected, getting very significant sign up. As of yesterday we were over 100 members and almost 50 observers so it's going to be a very big working group. There are many BC members who have signed up, not surprisingly many members of the IPC also from that Registries and Registrars.

There's also been a great deal of participation or at least joining from folks outside the United States and the European Union so this working group is going to have a more global perspective on the issues involved.

The first meeting of that, I've been advised by ICANN staff, will take place the second or third week in April so that's going to be a major RPM going forward. And then we'll take some considerable amount of time and management skills to maintain a coherent path forward.

Just getting through the agenda, we're going to have a presentation on next steps and resolving permanent protection of certain Red Cross identifiers at the top and second level. I have a particularly strong interest in that because I'm also cochairing the working group that's been looking at whether the existing UDRP and URS work for international government organizations, so it's related to that. But Red Cross has specific protections that those general IGOs don't.

And let me note here, we just got this agenda yesterday so I haven't had a chance to look at all these proposed motions. So Susan, you have anything to comment on the upcoming vote to recommendations on the GNSO review? And I do want to note that the Council meeting is two weeks from today and it's late afternoon Eastern Time so if we're having another BC call in two weeks we will have a chance to discuss all these matters just a few hours before the Council call get started.

Do you have anything to say on that one, Susan, GNSO review?

Susan Kawaguchi: I don't. Unfortunately I haven't read that part. But I do have some other issues that...

Phil Corwin: Sure.

Susan Kawaguchi: ...we need input in from the BC. One of the topics we discussed, started very quickly in the last part of our meeting was selecting a new liaison to the GAC from the GNSO. And not sure exactly the process last time. But one of my suggestions was we make that very open and transparent and we rotate between at the least between the stakeholder groups. I think there's some advantages when you have a registrar or registry person working with the GAC that closely, there could be disadvantages too I'm sure.

But I thought just for transparency and fairness in access but that should be a rotated role. There was a little bit of pushback on that but also bigger pushback on making that an open process. I guess last time it was very secret, not secret but they didn't disclose the candidates that were interested, that had applied to the position, and backup was the only way to handle that.

I don't get that because, you know, a lot of people applied for the CCT Review and, you know, what we had over 70 candidates to choose from, you know, and only 15 were picked. So I think it should just be as open and transparent as possible and rotated. So if the BC has a different feel on that then we should hear from you.

Also one of the considerations – or discussion points we will have next meeting is on whether or not to delay the two AOC reviews that are scheduled – the first is SSR, correct me if I'm wrong on that one so – and Whois. I don't think we should delay SSR; Whois I would prefer to go forward with that this year but I could see the argument to delay a little bit but not delay substantially. I could see putting it off until 2017 but I don't think we should delay the Whois AOC review until all of the Whois work is done because we won't have another review – AOC review of Whois If we wait that long.

The third topic that we need input on is the GAC communiqué concerning the PPSAI – the Proxy Privacy recommendations. The Public Safety Working Group is very concerned that commercial entities are allowed to use proxies. That was an argument that, you know, we started out pretty strong and I was advocating for at least in the PPSAI working group to ensure that, you know, if somebody is taking your money you get to know who you're dealing with.

Lost that argument and the BC changed its opinion on that also. So they're trying to – they want to sort of influence the Board on the recommendation for allowing commercial use of a proxy. I wish they would have shown up in the working group, that would have been a better forum for that. But in the GAC communiqué, which I'm helping to draft, Steve Metalitz, who is cochair on that, also said – reached out and asked us to make a sort of mild comment that we're disappointed but we hope that the Public Safety Working Group from the GAC can get this resolved soon.

So those three points, the liaison, the delaying AOC reviews and the PPSAI. Does anybody have any comments?

((Crosstalk))

Phil Corwin: Susan, I see Andrew's hand up. I have a couple of comments on the items you just hit and one other but maybe let's hear from him. Should we hear from Andrew first and then I can make those comments and we can...

((Crosstalk))

Susan Kawaguchi: Steve's got his hand up too so. Sure, Andrew.

Andrew Harris: Thanks, Susan. Just a quick question. You're noting that you have been working with Steve on the response to the GAC especially for the Public Safety Working Group. And there was an intent to note – I guess could you say a little bit more about what the intention for the response was, I was a little confused.

Susan Kawaguchi: Okay, just simply to just say the GNSO – because this is a GNSO response, not just the BC response.

Andrew Harris: Right.

Susan Kawaguchi: ...you know, I'm one of the ones working on it. It would be something in the line of we're disappointed that this is a concern at this point, that we hope the GAC and the Public Safety Working Group can get this resolved soon. And basically by the ICANN 56.

Andrew Harris: Okay. Okay thanks. So the disappointment is about the GAC and Public Safety Working Group is still hung up on this issue not that...

Susan Kawaguchi: Right.

Andrew Harris: ...there's disappointment about how the actual working group came out.

Susan Kawaguchi: No, it's more of that...

((Crosstalk))

Susan Kawaguchi: ...just became an issue with a GAC communiqué.

Andrew Harris: Okay, that's fine on my perspective.

((Crosstalk))

Susan Kawaguchi: ...the language I just don't have it in front of me. I could send that out to the BC later though. And then, Steve, did you have a comment?

Steve DelBianco: It the quick response to your question about the Affirmation of Commitments reviews, the security, stability and resiliency, the SSR, and the Whois. Those were scheduled to begin this year because they were on a three-year cycle for the Affirmation of Commitments. As I've reported before, the new bylaws that we are putting into place as part of the CCWG allow up to five years between those reviews.

So those bylaws are very likely to be adopted in. We're making great progress on drafting the bylaws right now. And if they're adopted by September, August or September as we expect, there would be the flexibility to defer for one or both of those for one or two years. I don't have a position as to whether they should be deferred. My biggest concern is volunteer fatigue but these review teams seem to attract quite a few volunteers that want to be on them.

We have expanded the size of the review teams as well. It will now be 21 and each of the groups can nominate up to three – sorry, three or more. And if one group doesn't want all three slots, let's say the Address Supporting Organization decides they don't want three review team members for Whois, and I don't see why they would want any frankly, well then that's three extra slots that can be allocated to other ACs and SOs that expressed greater interest such as the GNSO.

So I share that to say that we will be more represented if we do these reviews under the new rules, the new bylaws, then if we do them under the old.

Thanks, Susan.

Susan Kawaguchi: And that's a good point. I knew that we – it was going to a five-year period but maybe there is an advantage for delaying the SSR until the bylaws go into effect. And that should happen August or September you said?

Steve DelBianco: That's right.

Susan Kawaguchi: Okay, that's a good point. Ellen?

Ellen Blackler: I think I was still – I was still pondering the conversation you and Andrew had. But maybe you can (unintelligible) be helpful. I think it's fairly nuanced, right, we want to be disappointed that they didn't more actively participate at the right time I guess. Is that the message?

Susan Kawaguchi: Yes.

Ellen Blackler: As opposed to, I don't know, criticizing their position or...

((Crosstalk))

Phil Corwin: Yes, this is Phil. Let me respond. I think the concern is that here's a working group that labored, I believe, over two years to come up with a final consensus report and recommendation and the GAC comes in, you know, past midnight when the work is done and raises objections to it. It's not about so much, you know, and there are widely divergent opinions on this issue of whether or not commercial entities should be allowed to use privacy proxy services as well as how to define what a commercial enterprise is.

But the problem is, once again, the GAC coming in with something that seeks to delay implementation of the final report after all the work has been done. And it illustrates the need for much better integration of the GAC into the policy development process going forward.

Ellen Blackler: Yes, so I like that last point. I think that would be really helpful to kind of give it, you know, a more hopeful spin that we maybe could have gotten – all gotten to a better result if they had participated actively at the right time.

Phil Corwin: Yes.

Ellen Blackler: I guess people are going to agree on the better result part. But I think the message should be, you know, it would be really helpful if you guys participated at the right time as opposed to something...

Phil Corwin: Yes.

((Crosstalk))

Susan Kawaguchi: And actually the GAC does reference that point in several places in the GAC communiqué that they are going to actively participate in some way in the working group. So I think they recognize that now. And I did put that language that Steve proposed – Steve Metalitz from the IPC propose this into the chat box.

Ellen Blackler: Okay thanks.

Phil Corwin: Okay. Phil here. I make a few last comment then we can move on to the next item. Finishing up discussion of that, on the substance of commercial use of

privacy proxy I just want to note that yesterday, I'm a member of the Stakeholder Advisory Council for the dotUS ccTLD. And it held its call yesterday and was discussing whether dotUS, which has always rejected registrants who want to use privacy proxy services, should permit them and under what conditions.

And Bobby Flaim who many of you know from the FBI is also a member of the Council and he strongly expressed FBI concerns about that. So this is continuing to be a live issue for law enforcement.

On items six, the GNSO liaison, Mason Cole, who's been the liaison for the past few years, expressed in Marrakech his desire to step down and have someone new take that up. I'm a little concerned here that were going to have a vote on approval procedures and there's no link to the draft procedures. Two weeks before the vote I think we need to make inquiry, we need to see what's being proposed. And I agree with Susan that should be an open process and not something in a black box where it's just announced to the new liaison.

I do want to say that I work a lot with Mason as cochair of that IGO group, which involved GAC concerns, and he did a very good job and it's a very difficult job to take on so it's a real responsibility for whoever takes it up.

The last item I wanted to comment on is Item 10, the planning for Meeting B. I just wanted to note that at the – the discussion we're going to have is how the GNSO should structure its work at the four-day meeting in Helsinki. But I did want to note that at the ICANN correspondence page just the other day they put up a March 25 letter to Nick Tomasso who, you know, runs the meetings, with the ICANN Board copied from James Bladel, in his capacity as GNSO chair, basically making – inquiring whether certain PDP working groups could have face-to-face meetings outside the four-day window.

So that has been – that subject has been broached with the board and with the head of the meeting planning. And in a separate email to Council members I believe the three groups that were identified on that are the ones dealing with the RPM review, with the next round subsequent procedures, and with the RDS, the new Whois replacement. That's in play now. We don't know how the – Mr. Tomasso and the Board are going to respond. But it is an attempt by the Council chair to see if there's some flexibility to allow face-to-face meetings of those working groups before the official meeting begins.

So I'll stop there. I see Ellen's hand up. I think that may be an old hand, Ellen.

Ellen Blackler: Yes, sorry. I will bring it down.

Phil Corwin: Okay. Any other questions or comments on Council? And noting once again that we will – the next BC call, if it's two weeks from today, will be just a few hours before the actual Council meeting those who deny will be able to receive very real-time input before we get on that call later in the day.

Susan Kawaguchi: Chris, did you have your hand up?

Chris Wilson: Yes, thanks. This is Chris. On Item 11 do we know what is the discussion regarding the CCWG on Internet Governance? Do we have any insight on that?

Phil Corwin: I don't know. Maybe Marilyn has some views on that. I know she's quite active in that Internet Governance CCWG.

Susan Kawaguchi: We can find out before the next BC meeting.

Phil Corwin: Okay. Yes.

Susan Kawaguchi: Good question.

Phil Corwin: Okay, Steve, I think we can turn it back over to you or Chris or the next items.

Chris Wilson: Great thank you. Thank you Phil. Thank you, Susan. Very helpful. I don't think Cheryl is on. In fact, I think she might be on vacation. So we may just go ahead. I can just, you know, make notes here and what Steve has put in the policy calendar, you know, three BC members have joined the working group for the PDP on next gen RDS.

And looks like actually we have four listed actually so I guess we have for folks now listed or even five, Geoff Noakes from Symantec, Susan Kawaguchi from Facebook and Andrew Harris from Amazon. So if others are interested in joining that would be helpful. And then maybe, Steve, you want to talk about the CCWG Accountability status?

Steve DelBianco: Just a quick update, Chris, just a very quick update. Over the past two weeks the CCWG's cochairs and rapporteurs have had regular discussions with our outside attorneys and with ICANN legal team along with Becky Burr and ICANN staff. All have been reviewing the draft bylaws, and it's 200 pages, draft bylaws as amended to implement the CCWG's final report.

There have been only a handful of areas where we felt that maybe ICANN legal's first draft wasn't on the mark. And we've been able to bring them around to match the report. And a lot of that was on the Affirmation of Commitments reviews.

I think – I actually think they’re going far better than I had expected. And I do think that this weekend we will share the draft bylaws with the entire CCWG and then we have to call scheduled for next week where the entire CCWG can walk through the bylaws looking for areas where maybe we need to tighten the language to more faithfully reflect the report that we all agreed on.

I’m very encouraged, at least this element is going well. You’re probably all aware in addition that US Congress had taken a close look at our final report in a hearing two weeks ago and I actually think that went quite well. But there are continuing to be noise from the government and the US political season means we are in the silly season of our process here. And you never know if this transition itself will attract unwarranted or some may say warranted attention that could affect the timing. But I don’t have anything specific to report on this. Thanks Chris.

Chris Wilson: Phil, you have a question?

Phil Corwin: I just had a further quick comment on the Washington DC review of the accountability plan. I’d agree with Steve that the hearing went very smoothly. There were really questions asked of him or the other witnesses. There was an item yesterday, which I think I passed on to BC, that some other hands – some other Senators, Senator Lee and Lankford, who are the same ones who joined Senator Cruz on the letters to Fadi and then follow up to Steve Crocker about the involvement with the China WIC activity, have indicated somewhat publicly that they share Cruz’s concerns about the lack of affirmative congressional approval for the transition.

So that’s out there. There’re also starting to be reports, objections from other nations, from France and from India about the fact that ICANN will remain a US nonprofit corporation and a push for international organization status. So it

looks pretty good but we're still months away from any possibility of transition and there is some potential issues out there as we get closer. That's it.

Chris Wilson: Thanks, Phil. Okay, let's move right along. Jimson, perhaps we could hear from you on finance and operations and then we can close this up. Jimson?

Jimson Olufuye: Yes, just unmuting. This is Jimson. Thank you, Chris. Also to add my voice to (to the discussion), I think it was good that we have here on the CCWG work. Now to operations, we have something posted in the screen for us. This is the new language with regard to the General Counsel indemnification clause. ExComm had a meeting on March 24 with the General Counsel Greenberg and Lieberman on the GC language displayed on the screen.

And he expressed no objection to this. And we don't have the time to go through line by line but the difference is, and (the highlighted area is that this covers all the officers) covering the General Counsel and he has no objection to that. Also, at the last meeting we raised the issue of Board of Directors (unintelligible) questions at the Marrakech meeting. So actually for the current ExComm can actually (transfer) to be the Board of Directors.

And (unintelligible) election each year. Then (unintelligible) filing report every year anyway so we can easily (unintelligible). So we have no (unintelligible) at the end of the year (unintelligible) files our papers, then it always will be (unintelligible).

So the language (proposed) for the General Counsel is, "the position of the General Counsel for the BC is hereby created. The appointed General Counsel shall be an officer of the BC to act solely as directed by the ExComm of the BC. The General Counsel shall not have the power to vote with the officers of

the Excomm. The General Counsel is thereby empowered to incorporate the BC as the nonprofit entity in the District of Columbia, process and forward the BC's postal mail, and secure an EIN for the BC ; file and sign the BC's applicable tax returns.

So the BC shall indemnify and hold harmless the General Counsel from any and all acts that are related to the duties delineated above done at the direction of the majority of the Executive Committee officers, in the best interest of the BC or on behalf of the BC as required by law. Such indemnification will apply if the General Counsel was, is or is threatened to be made, a party to or a participant (as a witness or otherwise) in any Proceeding, against all expenses, judgments, fines, costs and amounts paid in settlement or otherwise (if such expenses, costs, actions or settlement are approved in advance by the Executive Committee which approval shall not be unreasonably withheld) actually and reasonably incurred by the GC in connection with such Proceeding.

If such General Counsel acted in good faith and in a manner that the General Counsel reasonably believed to be in, or not opposed to, the best interests of the BC and, in the case of a criminal Proceeding, had no reasonable cause to believe Indemnitee's conduct was unlawful.

So this would go into the Charter, if approved by the BC. And we say that we can go ahead and if we have say an agreement, or a concurrent at the BC – a general BC meeting.

So this is the language. I don't know if there is any question or if there is any agreement to this to be directed to go ahead with the incorporation of BC. And for our members there any calls or to handle financial (unintelligible) for the

financial system – principle. (To obtain a BC EIN, to pay dues).
(Unintelligible).

Chris Wilson: Thank you, Jimson. This is Chris. Thank you for that. I think – and just summarizing, we have – we seem to have come to agreement on the indemnification clause with our Counsel. You know, if there are concerns from BC members about this clause please either speak up now or send a note to BC private but we think this – it's officially tightened to apply just to the General Counsel and just to the specific duties he will be undertaking.

So he's fine with it. I believe the ExComm is fine with it so we would, you know, we can – for folks that are on the phone now, if you have concerns please raise them now. We'll send out a final note to the BC full BC list with an expectation of approval or – within the coming days. As soon as we can finalize this we can then task him with actually getting us ramped up as a nonprofit and really get the ball moving on that front.

I should say also just I don't know if you mentioned, but we'll also be looking into getting a – an insurance policy to cover this in case there is an issue that comes up and we have to cover his legal fees. My understanding is these policies are not terribly expensive but we will look into that and notify the BC membership of final resolution on that.

But these are really the last of the final steps before we can really get this going. I know it's been a long road but I think we're nearing conclusion on this and appreciate Jimson's hard work on this to be sure. Any other concerns on this issue?

Okay, Jimson, anything else to add?

Jimson Olufuye: Yes, there is no other thoughts on this. I would like to just brief us on the Memberclicks because (the transition) to Memberclicks on the use of membership is still ongoing. Once it's completed we will move our Website to MemberClicks (unintelligible) for better support. For the benefit of our members (unintelligible) when I talk about this application this is paid for by ICANN up to the of \$9500 per annum.

To help us manage our invoicing better, member database and profile as well. And member can actually manage their own profile an (see details of their representation), can actually do themselves, etcetera. So by the next meeting I will update the BC more on the financial status and plan for – a budget plan for the BC's FY'17. Thank you.

Chris Wilson: Thank you, Jimson. Okay we've got about five minutes left, we can turn to any other business. Just real quick our next meeting will be – this is Chris – next meeting will be Thursday, April 14, same time and we, you know, look forward to just talking to folks then.

I should note real quickly the next scheduled conference call with the ICANN community leaders and the ICANN CEO is scheduled to take place on Tuesday, April 12. I'll be participating on that call. They'll be talking about the – we'll get an update on the bylaw drafting from Theresa Swineheart, and they'll be discussion of conduct at ICANN meetings and review of guidelines from Susana Bennett.

Nick Tomasso will discuss the ICANN 56 and ICANN 57 preparations. Perhaps we'll know about whether the location of the ICANN 57 meeting will be moved. I know it still tentatively scheduled for Puerto Rico but considering that the Zika virus is still prevalent there I'd expected there would be changes made to that. And then we will also get an update from Rob Hogarth on

community activity matrix. So after that call will occur I'll provide sort of some insight on what was discussed on our April 14 call for folks and look forward to that.

One outstanding issue, it's listed here actually in the Council update that maybe, Steve, I'll turn to you real quick. Julf Helsingius, a NomComm rep on the GNSO has asked if we could add him to the BC private list sort of as an observer so he can be better in tune with what we're talking about and what issues we are concerned about for his own edification purposes.

And we thought that this would be something that the whole BC membership should be aware of and should think about. So, Steve, maybe I could turn to you because I know the request came to you directly. I see – Zahid, do you have a question about this or something else?

Zahid Jamil: This is Zahid. Yes, I have a question about this. Again, I just wanted to get more information about who the person who sent the request is sent by one of the BC representatives of the NomComm so this was interesting for me. Thank you.

Chris Wilson: Steve, perhaps could you provide a quick minute or two clarity on this?

Steve DelBianco: Sure. Julf Helsingius was the NomComm appointed representative to the Non Contract Party House. So it's not a NomComm per se, Zahid, he happen to come from the NomComm.

Julf cast a vote – he's a voting member of the Non Contract Party House on the GNSO Council. And as you know the Commercial Stakeholder Group has six votes, the Non Commercial Stakeholder Group has six votes and Julf has

the 13th and sometimes determinative vote on whether our Non Contract Party House supports or rejects a Council motion.

This came to a head over the past three months as we started to work towards approval of the CCWG proposal on ICANN transition. And in that conversation a number of us, Phil and I in particular, talked several times with Julf Helsingius, Susan did too, to try to understand how he was going to vote because we thought his vote could end up being determinative.

In that process he expressed more interest at learning about the BC, what RBC positions were like, what the rest of the Commercial Stakeholder Group thought about things. We had many conversations but (unintelligible) our communications. There's an awful lot of background noise, it might be somebody could put a phone on mute, that would be great. Thank you.

So he look at the BC public email list. And as you know there's not much there. He can look at our comments as filed and learned quite a bit but it sometimes is not soon enough. So he asked in an email, he said I'd like to learn more about the BC so I can help to make positions in the Non Contract Party House that reflect the broader consensus of what everybody in that group believes.

And that's a good thing but I don't know how to get it done. I mean, just putting him on BC private carries some risk. It means that he sees that there are issues about which we have a lively discussion, and maybe not a consensus. And worse still, we feel free to use frank language on our BC private list and I would be very concerned if that made its way in to the Non Contract Party House, the NCUC in particular.

So I have – I have an idea that perhaps with some discretion we could share certain draft comments with Julf, if they're draft comments that are pertinent to votes that are coming up on Council. And since this only relates to Council votes I think this is something that Susan and Phil, our councilors, could be quarterbacking. And anytime there is a vote they could ask to help with the rest of the ExComm and a membership to state what could we share with Julf so that he has a better idea of why the BC believes what we do in an effort to convince him to vote our way.

Chris, I hope that helps.

Chris Wilson: Thank you, Steve. It does. And I note Denise has made a suggestion in the chat that I think perhaps dovetails with what you just said in that maybe it's better that we sort of have just arrange maybe a regular call with him rather than have him access the full BC private list at large. And I think that makes sense from my point of view, and it may be that when there are items up for consideration by the GNSO that we reach out to him and set up a call perhaps with maybe at least at a minimum with the ExComm.

And if the particular members that help draft were part of a drafting issue on that particular issue then we can include them then as well to sort of inform him of our point of view. I think that would be probably the best course of action. But I open it up to others that may have other thoughts. Anyone else have thoughts on this? I see Andrew Mack I think agrees with Denise's – and Phil, I think, also agrees with Steve's suggestion.

Okay not seen any other hands or thoughts, perhaps, Steve, we can maybe suggest to him that we – rather than access to the full list we set up a time, you know, when the time is right, set up a time, an opportunity for him to have a

call with a limited group of BC members including the ExComm and go over issues as they come up.

Steve DelBianco: Chris, it's Steve. I don't think a regular call make sense. It's too difficult.

Chris Wilson: No, I mean, I guess I meant, you know, on an ad hoc basis.

Steve DelBianco: Great. And I think that Susan – Susan and Phil as our councilors would know when there's a vote coming up so that should be the trigger point. And Susan and Phil would say we'd like Julf to understand where we're coming from on an issue. In the first step would be to ask BC hey, can we share this particular BC private email with Julf. And if we can that email to Julf, if it's (unintelligible) what we think about a draft comment, I think that could help a lot. And then offered to get on the phone any time that Julf wants to with the BC members that worked on that comment. How about that?

Chris Wilson: Yes, that's – this is Chris. That's fine with me. I think that should work for others too. Okay good. All right, well I know we're well past the hour. I have – for those that are interested Marilyn Cade has posted some information regarding the CCWG on Internet Governance activity going on at the WISIS Forum. WISIS Forum is occurring in Geneva Switzerland May 2-6. There's some panel discussions regarding ICANN and the IANA transition taking place there for those that are interested. I'm sure you could reach out to Marilyn directly and she'd can provide more clarity on that.

So if anyone else – does anyone else have anything else to add? Okay great, if not I thank you all very much and we look forward to talking to you on April 14. Thank you.

END