

**ICANN**

**Moderator: Chantelle Doerksen  
September 8, 2016  
10:00 am CT**

Coordinator: Excuse me the recordings have started.

Chantelle Doerksen: Good morning, good afternoon and good evening. Welcome to the BC members call on September 8, 2016. On the call today we have Steve DelBianco, Hibah Hussain, Jimson Olufuye, Chris Wilson, Angie Graves, John Berard, Paul Mitchell, Claudia Martinuzzi, Maria Pattullo, Denise Michel, Andy Abrams, Beth Allegretti, Andrew Harris, Arinola Akinyemi, Barbara Wanner, Isabel Rutherford, Jay Sudowski, Philip Corwin, and Elisa Cooper. We have apologies from Susan Kawaguchi, Cecilia Smith, and tentative apologies from Cheryl Miller.

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 everyone for joining today's call. Per usual we have a full agenda and a lot going on obviously here also in Washington with regard to the IANA transition -- lots to talk about. So maybe go ahead right to Steve and Steve you can dive into the policy calendar and get us started.

Steve DelBianco: Hey thank you. Thanks Chris. All right everyone I think the policy calendar might go fairly quickly. And that'll give a lot of time for other discussions.

First since our last call on 18 of August we have filed two comments. The first was on the draft report for the independent review of the trademark clearinghouse. That was an independent review requested by the Government Advisory Committee after the 75th new gTLD was into the around.

It's - well it's not a great draft report judging by the comment drafted by three BC members -- Andrew Abrams, Phil Corwin and Cecilia Smith. That's been circulated for review twice. It's attached as the - I'm sorry that was submitted on September 3 and I want to thank Andy, Phil and Cecilia for that.

On the 31st of August we actually commented on the release of Geo names and a couple of new gTLDs, one of them being a brand, two of them being generics and Andy Abrams once again came through by adapting the BC's standard position to that one. We did note that this is one of the batches where it was a combination of brand and generics. And that's unfortunate since we have to end up bifurcating our comment. Thanks again Andy for that. Let me jump down to the current open public comments. Look there are only three open public comments and two of them we already have drafts attached to the policy calendar and they're due tomorrow so I'll be filing them tomorrow. This is your last call for comments, edits, suggestions or questions.

The first one I want to bring up is number one here which is a BC comment on the gTLD Marketplace Health Index which they call a beta. Angie Graves is on that panel in the gTLD Marketplace Health Index and Angie did a great job of drafting a list of very specific comments on their beta report. Now that comment it was the first attachment, been circulated a few times. Angie I

wanted to turn to you to see if you want to note anything in particular for BC members to comment on since this is our last chance before we submit?

Angie?

Angie Graves: Hi. This is Angie Graves. Yes there are low commitment ways to volunteer to help out. And one of them is to look at the list on the last page of text of the additional point that are sent out to the community for potential addition in future versions.

So if you noted any of those and sent them to the list or to me I would definitely incorporate those into our comments. And just one note for Steve on the title page I need to change the version number so it probably should be two or actually that'll change when it comes final. So thank you very much.

Steve DelBianco: Angie thanks again for drafting that. BC members who are on the call take a queue now. Are there any comments or questions on Angie's draft? All right hearing none I'm going to submit that tomorrow on the due date. I may even try to get it in today.

The second one number two on the list on Page 1 of the policy calendar is comments from the BC on the proposed agreement on the IANA naming functions. So this is an agreement between ICANN and PTI for performing the IANA naming functions as part of the IANA transition. Those comments also close tomorrow. This was pursuant to the community's proposals for CWG and CCWG. And I want to thank Barbara Wanner for an excellent job of drafting and Angie I know you came in with some technical comments that we put into the annex.

So Barbara and I know you're on the call with us today.

Barbara Wanner: Yes.

Steve DelBianco: Is there anything you want to bring up for BC members with respect to items in your draft comment that you want to be sure the BC members understand and have any comments on? Go ahead Barbara.

Barbara Wanner: Sure. Thanks very much Steve and also thanks so much to Angie too for taking a look at that Annex A. I really, really appreciated her expert and technical review of that. There were two sections that I felt, would feel more comfortable if BC members could express their views on. Steve has been a tremendous help in terms of providing advice on them.

The first one if you open the draft concerns or comments with respect to Section 4.5 on the separation of policy development and operational roles. And what I really did is try to track as closely as I could the BC's prior comments on this topic. But my first draft that I had Steve and Angie take a look at had some pretty strong language concerning the caveats that appear in Section 4.5 to ease the operations only requirement.

I said we do not support the caveats and as Steve suggested a sort of a softer approach that maybe wasn't quite so hard lined which I feel probably is more appropriate. In the draft you have up on your screen you'll see for this reason we are concerned that these three caveats might be exploited by interested parties who are dissatisfied by a prior policy decision.

I would welcome member's views on that. I was concerned about the caveats and I just want to make sure that others share my concerns and support us highlighting a - possibilities of those caveats being exploited. So that was one area where I would be grateful for members' focused review.

And the second area is on Page 2. And it pertains to Section 6.1 transparency of decision-making. And it pertains to potential redactions of PTI board minutes. I felt basically that the language that appeared in the draft was reasonable. And I just wanted to double check with BC members to make sure that they also shared my view that they were reasonable, that the exceptions are carefully circumscribed concerning redactions. And those were my two main points that I wanted - would be grateful for a BC member review of.

The other elements of this text, really, as I said I went through the BC's prior comments and tried to consider what we said previously and how what we said previously may or may not be reflected in the actual text and revised text accordingly, proposed text accordingly and I welcome your comments.

Steve DelBianco: While we're waiting for the queue Barbara let me thank you again and Angie as well. Now what Barbara did was map from the community proposals that we'd already approved into this agreement to see that the community's proposal was reflected. But I and particularly supported Barbara's motion that we want to make sure that PTI stays operational only and doesn't get involved in re-litigating, revising, challenging or changing policies that we developed inside of ICANN. In other words policy development has no place in the PTI.

For that reason I thought that Barbara was right to point it out but I didn't think that we should rise to the level of saying that we object to the agreement but that we're very concerned about that. It's possible we should revert to stronger language so that the BC would be recorded as opposing this agreement. And that's where it's a key that you look at the area on Page 1 that Barbara pointed out. This would be the time everyone if some of you felt should step it up to a higher level of a formal objection or just raise concerns. Take a queue on that. Again this is the second attachment to the policy calendar on the IANA naming functions agreement.

Marilyn? Can't hear you Marilyn. Marilyn says in the chat to be clear it's a good admonition but I believe on Page 1 we weren't quite clear on the three exact areas where we think it could be exploited. And we urged the deletion of the third one. And if we say it would be more prudent to put a caveat in here saying we - that we the IANA naming functions do not initiate, advance or advocate any policy development related to the IANA naming function.

If you did that you don't need any caveats at all. But I think that our clarity is with respect to the recommendation we're making. Any other comments? Great Angie and Barbara thank you very much. I'll be filing that tomorrow after reformatting -- appreciate that. Though - because there's only one other open public comment. It's Number 3 on the bottom of Page 1 of the policy calendar and it's about the .tel registry agreement which is being renewed. I did some research on that and it really picks up the new gTLD registry agreement plus it combines it with .tel's 2006 sponsored TLD registry agreement.

And I want to make sure everyone understands .tel would not have to adopt the minimum RPMs in Specification 7 of the registry agreement. Those would not be in there. Those comments closed the 13th of September just five days from now.

If BC members have experience with .tel or would like to add - would like to recommend some precedent where minimum RPMs go into every new agreement this would be the time for us to say something about that. Phil Corwin go ahead.

Philip Corwin: Yes Steve I did review that .tel agreement. I have no idea how many registrations .tel has these days. My impression is that it hasn't been very

successful. But, you know, we - the BC did take a position last year that ICANN staff should not be trying to put the RPMs involuntarily in those contracts. And of course the issue of whether they should all become consensus policy which would make them mandatory for legacy TLDs is being - is going to be taken up by the RPM Review Working Group that I'm one of the co-chairs of.

Steve DelBianco: Got it Phil. That would indicate that consensus policies might be another way to effectuate RPMs as opposed to just putting them in agreement. Did I hear you right?

Philip Corwin: Yes. Yes which has been more consistent with the BCs position and, you know, in regard to the both the comment we filed in the reconsideration request last year on .pro travel and trying to remember the other one. There was three last year that where there was some dispute over staff taking the position that they had to be agreed to in the renewal agreements.

Steve DelBianco: All right, thanks Phil. Anyone else want to volunteer? And I know that wasn't volunteering Phil. You were just giving us a point of view but are there any volunteers who want to draft a BC comment on the .tel registry agreement? All right seeing none we're not going to comment on that one. That's due in five days anyway.

All right and while there are only three comments open right now I took a peek at the upcoming public comments list and it's daunting. Between now and when we gather in Hyderabad those of us they can get there we have quite a few comments that we're going to have to put up. And I'll be reaching out to the BC members for help on drafting comments.

Lately we've had a recycling of the same set of volunteers coming up time and time again on drafting. And it would be great to expand that circle of volunteers for the comments ahead. I'd like to now turn to the quick topic on the special project which is something that we did in conjunction with ICANN's offer to hire a consultant to help us, us and the CSG GNSO to help us with research and writing that we'd like to see done.

The first task and ICANN has hired a consultant to help us with is research to determine whether BC's comments over the past two years, public comments have made a difference right to look at whether it was acknowledged, whether it was sending to the board a letter, whether it was an RSEP or a public comment, Was it acknowledged in the staff reports that came back?

More importantly did the advice have an impact? Was it followed in any respect with regarding to the change in a draft report, a change in a policy, a modification of something that would come out? Did we actually affect the votes of the board in situations where they were proving something? So Denise Michel was the one who crafted this particular project. So she and I had a call or two with ICANN's consultant to look at the scope of work going back two years. I made sure that she had all of the comments that we wanted to look at, comments and letters and we also looked at the format, a consultant whose name is Pam Covington who's doing an Excel sheet.

I can't really say for sure when it will be complete. I haven't seen a draft of the work yet but I do expect it in the next two weeks. So by our next call I think we'll have a draft for BC members to look at. Jay Sadowsky is asking if anyone else lost audio. So can people hear me?

Woman: Yes.



Steve DelBianco: Okay great, thank you. And please let me ask everyone to put your line on mute when you're not speaking because there's quite a bit of background noise today.

All right turning to Channel 2 which is council the previous council meeting September the 1st I attached a link here to the resolutions transcript and agenda. The next council meeting is not until 19 of September. We don't have an agenda yet. So Phil I want to turn to you to talk to us about what happened on the first and then you'll see I have several additional council related items just below Channel 2. Over to you Phil.

Phil Corwin: Right yes Steve thank you. And I'll be reporting today. Susan is on vacation right now so I'll be providing the full council report. Just before getting into that I just wanted to briefly comment on - can you hear me?

Man: Yes.

Steve DelBianco: We do.

Woman: Yes.

Philip Corwin: Okay. Yes I just want to briefly comment on that comment we just filed on the independent review of the trademark clearinghouse. A lot of the comments were the fact that it was a narrow report. And that was because this was a report responding to a GAC request from back in 2012 before the Applicant Guidebook was even finalized. So it was very - what's amazing is that it took four years to get this response.

The RPM Review Working Group, you know, there's some useful data in it but we're taking a much broader look at the trademark clearinghouse. In fact

the co-chairs had a call, working call with staff yesterday planning out our review of the trademark clearinghouse and the associated claims notices and sunrise registrations. We're going to be spending the next six months on that and so we're going to be giving it a much broader look than what that very narrow report which was designed to be narrow gave it.

On council on the September 1 meeting one week ago we passed a resolution regarding the dates for selection of the GAC GNSO liaison. And then we're going - we also adopted a resolution on the adopting the GNSO operating procedures relating to the motions on the chair and vice chair elections. I'll get into what that schedule is in a second.

There was a third resolution that was deferred. That was a proposed resolution saying that registrars who had a conflict between their Whois obligations and national privacy law obligations could get an exemption or a narrowing of their Whois obligation by getting some response from their national agency on privacy. And that was resisted by the contracted parties on the grounds that it basically required them to go to their national regulator and almost admit to doing something that was not permissible under the country's laws and that that place they in between a rock and a hard place and they wanted a different approach. So that's been deferred. I don't know what they're going to come back with in terms of suggesting but that didn't move forward. It was deferred to a further meeting.

Now on the - let me just get to what we did on the council elections. Yes the election timeline now under that adopted resolution is that of course we just finished with the NomCom selectees, we finished our report on that with our election. And the houses, the two separate houses are required to submit their nominees for chair by October 7, the candidates to submit their statements by October 20, a meeting with the candidates on the 4th of November and the

election to be held at the annual meeting in Hyderabad if any of us can get our Visas and get to it on November 7 with council informing the board and the community on November 9. So that's the schedule under the resolution we just adopted.

And if there's any questions on that - let me see if there's any - I know that the CSG is discussing what we want to do about a non-contracted parties house so nominee. On the proceeding with additional new TLDs before the reviews are completed I spoke to that at some length at the BC position during the September 4 Council meeting. I've got to check back. I don't remember where we left that in terms of further getting back to the board on the council position on that. But we'll just see how that goes.

And on the RDS services since I usually let Susan handle that I'm not completely up to date on where that working group is at so I think we'll have to wait for Susan to be on a future call to bring us up to date on that. And that's all I have Steve. Are there any questions on anything or anything else council related?

Denise Michel: This is Denise.

Steve DelBianco: Go ahead Denise.

Denise Michel: Yes I apologize. I'm not on Adobe Connect. I'm in transit. On the response to the board on the next new gTLD round will that discussion just continue at the next council meeting? And has there been an agreement on a process to reach a consensus on a council response?

Philip Corwin: You know, I did bring up your idea of getting a process in place. And frankly I'm going to have to look at the transcript to see what was decided there. I'll get back to the BC on that.

Denise Michel: Okay thank you Phil.

Philip Corwin: Okay.

Steve DelBianco: Phil this is Steve DelBianco. While we're waiting for hands let me explain one item that I had listed under Channel 2. It's the GNSO drafting team for changes that are needed for responding to the new accountability powers. This was a council motion. Paul McGrady of IPC had driven it where he was worried that once the new bylaws take effect if council was given for instance the opportunity to nominate somebody to one of the new structures like the CSC Customer Standing Committee or PTI liaison how does council respond to that or the empowered community considers a petition to block an ICANN budget? How does council decide yes or no on its decision because the GNSO at-large is actually the group that is represented in the empowered committee. And council certainly speaks for the GNSO in many matters - in all matters related to policy. But council itself is not the - is not necessarily the only way that the GNSO would react to non-policy decisions like blocking a budget, non-policy decisions like appointing members of a review team.

Now you realize that in the past several years council has many, many times made appointments to review teams, taken motions and resolutions the didn't have to do with policy. And it does so with what they call the default rules of the bylaws which is the majority of each house. So this drafting team has the month of September to come back with proposals for whether something else can be done when council is required to respond to the new bylaws.

I'm chairing the group and Steve Metalitz of the IPC has been vocal about keeping things open. And I've supported that that we don't have to assume that council and only council can speak for the GNSO. That might be the default but it isn't the only way to go.

And even if council were the ones to speak for the GNSO we shouldn't assume that it requires a majority of each house. Frankly the contract party, noncontract party house structure was set up specifically for policy that affects contract parties. This has nothing to do with policy. It's about the GNSO as a supporting organization weighing in alongside the other ACs and SOs on whether to do things that don't have anything to do with the direct policy affecting the contract parties.

You know, so we've had several calls. And it's slow going but the CSG is trying to take this as an opportunity to create a new threshold for voting for instance such as the majority of counselors as opposed to a majority of each house in the hopes that that would give greater opportunity for the GNSO in conjunction with say the CSG in conjunction with either the Noncommercial Stakeholders Group or some or all of the contract parties that we could have our views prevail as opposed to always having this majority of each house which I believe you will agree has been very frustrating for CSG. So I'm happy to take questions on that or Phil we'll take any other questions regarding council.

All right we're making good time on today's call. Chris Channel 3 is the CSG. I don't see Cheryl on the list. Cheryl are you on the line?

Chris Wilson: Yes Steve this is Chris. I think Cheryl was unable to make today's call, a last-minute internal meeting at - with Verizon so I can go ahead and take over for her on this.

Steve DelBianco: All you.

Chris Wilson: Thanks Steve. Just real quick the CSG ExCom held a conference call on August 30. The purpose of the call was really to start brainstorming meeting plans, et cetera, for ICANN 57. And since that call there's been a fair amount of mail traffic back and forth trying to finalize the meeting schedules at least the best we can, the meeting schedule for ICANN 57. And I can certainly read off some of the stuff. There's - right now we've got I think about six CSG related meetings scheduled during the course of the week in India, two of which hours will be reserved for just the leadership of the CSG but the other four or five probably potentially a seventh meeting, an open meeting. The other four or five will be open to all BC members.

But I think just off the top, you know, we will have a CSG GAC interaction. Originally we're supposed to do a breakfast but because of for logistical reasons of getting people to the conference center from hotels, et cetera, and I think a general prohibition if you will on doing meetings before 8:30 in the morning because of those logistical reasons we've decided to go ahead and do a CSG GAC at lunch instead. And that's I think at least right now looking like it's scheduled for that Tuesday, November 8 during lunch period 12:15 to 1:45.

And then we will, of course the CSG will have a traditional meeting with its corresponding board members, Bruce, Markus and Becky. That's scheduled for Saturday, November 5 from 11:00 to 12:15. And I will - I - happy to send out sort of once we finalize all of this I'll send it out to everybody to look at but we'll have a few other CSG ALAC leadership meetings going to occur on Monday. The CSG Contracting Party House Leadership meeting will also occur on Monday the 7th and agendas are to be determined in those for those

discussions. And we'll get - seek BC engagement on driving the discussion and agenda for those particular meetings.

But as of now we'll certainly have a CSG closed meeting on Friday in the evening from 5:00 to 6:00 and we'll have a CSG open meeting as well though that timeframe is yet to be finalized. So we have to figure that out. And then of course just dovetailing it with BC meetings we will certainly have at least two BC meetings, a open and a closed meeting in India. We are figuring that out very soon hopefully today as to where those fit in. Once we sort of have a general parameters of the CSG meetings we can sort of (fill) in the BC meetings. So needless to say there's going to be a lot of other meetings going on during the week and we'll - once we finalize all of this we'll send it out for everyone to see. But that's where we - sort of where we are generally on CSG meeting.

Also talking again with sort of dovetailing I guess off of what Phil had discussed regarding the vice chair GNSO council vice chair election it had been discussed on the call August 30 that the CSG was comfortable with Heather being renominated I guess again for another one year term as vice chair. If there are objections within the BC to Heather serving as vice chair that - please do speak now. I know of none and of heard of none from anyone. I know the IPC in the ISPCP are supportive of Heather. I see no reason why the BC shouldn't also be supportive of Heather serving as vice chair again.

But there will be a general discussion about sort of the election process, et cetera, and I think we're trying to set up a call with a Non-contracting Party House for the end of September to sort of start talking a little more (fulsomey) about processes regarding the chair vice chair election GNSO council and try to get some better understanding of where we all are on that but I think at least and hopefully also get confirmation that there's interest in Heather being vice

chair again. So that call has not been officially scheduled yet. But we're hoping to have that call scheduled at the end of this month to start talking about these things and also continue to talk about them in India as well but ideally we'd have a mutual discussion before we show up in India for ICANN 57.

I think that is - so hopefully covers sort of just a general landscape of where the CSG is right now on its planning for Hyderabad. I think for the ISPCP is in charge of organizing the CSG activities for this meeting, not the BCR or IPC. So we work - we'll be working with Tony Holmes and the folks over there to sort of put this all together. But I think we've come a long way and hopefully we'll have a finalized agenda and finalized meetings in the near future.

Any questions? I see Marilyn I think you have a question I see in the chat. Marilyn? Marilyn I think we can't hear you on audio. So if you want to go ahead and post your question in the chat box we can - I can try to answer it there.

And in the meantime does anyone else have any questions or thoughts about CSG activities? I hear someone else's phone line open so if you could please mute your phone that would be helpful. Okay well why don't we go ahead and move on? Marilyn if you could go ahead and type your question I can try and answer it later on or via the email listserv we can do that as well. Steve I see your hand raised.

Steve DelBianco: Hey Chris I just wanted to point out to everyone that we've inserted a sort of a timeline on where we are with transition. This is the end of the policy calendar or Channel 3 where the IANA transition and ICANN accountability is recapped. And I have links in there to some of the most recent correspondence



that occurred later - late in August. And I did want to confirm that there will be a hearing on the IANA transition. It will be next Wednesday in the United States Senate Judiciary Subcommittee. The subcommittee chaired by Senator Ted Cruz is a fierce opponent of the transition.

And last night I was invited to be a panelist at that hearing. But that hearing is really just one of the many moving parts in Washington DC. The Appropriations Committees in both House and Senate are likely to extend a rider that prevents the Commerce Department from spending money on relinquishing the contract. It's an open question as to whether that spending of money is necessary to allow a contract to expire on September 30 but I don't think the Commerce Department will deliberately defy the will of Congress by parsing the legal terms of the rider. I believe they will honor the spirit of what Congress wants for fear the Congress would penalize or punish the Commerce Department in other ways.

Chris you were at that meeting yesterday at the Commerce Department where there is a genuine realization that if Congress acts strongly and gets its appropriation riders through even just for the continuing resolution of the next three months that that could well force the Commerce Department to extend the IANA contract until it can sort out the politics here in Washington. That extension is at the option of the Commerce Department. It would be for one year but it could be terminated at any point prior to that if things settle down.

When I'm on the panel next week I will be representing NetChoice, my group. A number of you have read some of the testimony NetChoice has put into the past and it seems to be relatively consistent with what BC thinks but I'm not there to speak for the BC. I will do my best to answer concerns that Senator Cruz and others have raised but that may not be sufficient since substantive concerns aren't the whole story here. Some of it is just politics and senators

who resent the administration for unilateral deciding to relinquish the IANA contract without consulting with Congress.

That's my recap and I'd love Phil, Chris and others if you'd to weigh in on that and we'll take questions. Over to you Phil.

Philip Corwin: Yes thank you Steve for that report and congratulations on being asked to testify what should be a very interesting hearing next Wednesday. While we've been having this call Senator Cruz just spoke on the floor of the Senate in his first remarks since leaving the presidential campaign trail. And his speech on the Senate floor was against the IANA transition so we know where he's coming from.

A little while ago I sent an item around to BC members with another important development with was that Chairman Thune of the Commerce Committee in the Senate for the first time came off the fence and came out for delaying the transition. So you can see the piece is moving into place for an extension. There is a debate going on in Washington about how long that continuing resolution should be. The hard right on the house the so-called Freedom Caucus wants a six-month extension that would fund the government into next spring and put the - a final deal halfway through the fiscal year into the hands of the next administration.

I think the powers that be continue to want a continuum that just goes until sometime in December which would allow for some adjustments and a permanent funding bill to be made during the lame-duck session.

Steve DelBianco: I will.

Woman: I think she just bring it like that so...

Steve DelBianco: Yes thank you.

Philip Corwin: There's background noise. Thank you. And yes aside from that I would concur Steve that politics is taking over here and with opposition to the transition being in the GOP platform and with a lot of conservative groups that help with turnout on election day writing to Paul Ryan last week - no last month asking for a delay and some other harsher actions. The politics may win out here.

The one other part was that Senator Cruz's last letter was to the Department of Justice Antitrust Division alleging that somehow the transition would take ICANN out of antitrust jurisdiction post transition. And DOJ responded last week in a letter stating very clearly that their oversight would continue including oversight of .com pricing which could continue to be frozen through 2024 even if the .com's extension is approved. And that's on the boards agenda for September 15.

And then at the same time on September 1 you had a rather remarkable letter from John Jeffrey to the Wall Street Journal stating the ICANN has never been subject to an antitrust exemption which conflicts with an ICANN position taken in litigation in 2012 but they're now clearly stating through the General Counsel that they have no antitrust exemption period. So I'll stop there but congrats on being a witness and it does look like there may be a delay in the transition till at least the lame-duck session. That's it.

Chris Wilson: Thanks Phil. Angie I see your hand raised.

Angie Graves: Yes this is Angie Graves. Really quickly my attention was brought this week to a Web site, an additional Web site for - from a - not everybody is muting

this call. But I just posted the link in there IANA CG. There is a comment from the chair of the Internet Architecture Board in there but not much activity. The deadline is September 12. Thanks.

Chris Wilson: Okay thank you Angie. I see - well Jimson go ahead. I see your hand raised.

Jimson Olufuye: Yes Jimson off of mute. This is Jimson. I'd like to ask Steve and Phil is there anything the other stakeholders can do still support the transition? Is there anything else those outside of politics of the Congress or the US can do to support NTIA so that this - the IANA transition process can still move forward?

Steve DelBianco: Jimson it's Steve. There are a lot of businesses that want the transition to proceed. These are not all businesses that believe ICANN does things well in all cases. If anything we want to admonish ICANN to be humble and to be honest about their shortcomings when they testify in this hearing. So I believe the outreach that non-US citizens can make is outreach to ICANN in two regards, that they need to be on their best behavior right now. And number two, the bylaws that we the community designed, the new accountability oversight structures are committed to by the ICANN board regardless of whether this transition happens at the end of this month or gets delayed.

So we may find ourselves in Hyderabad pressing the board to formally implement the new bylaws since that's the only way we can hold that corporation and management accountable for the decisions to fill the board. The IANA leverage has never been adequate to do that in the past. And we don't want to allow them to escape from the new accountability mechanisms we designed simply because the IANA contract might be extended a few more months.

Someone is not on mute. And it would be so helpful if you would.

Marilyn Cade: Hi.

Woman: Hello Marilyn.

Marilyn Cade: You - try it again. Thank you.

Woman: Yes.

((Crosstalk))

Woman: Thank you.

Chris Wilson: Marilyn please go on mute.

Woman: (Unintelligible).

Steve DelBianco: Jimson I hope that answers your question. And finally let me note that Workstream 2 is well underway. There are - gosh there are nine separate projects under Workstream 2. I would have to say to you that it's slow going because there's a lack of focus and a lack of fidelity to the charters that the bylaw dictated for Workstream 2.

I guess this is to be expected with a crowd like ICANN. We get a lot of new volunteers as participants and observers. They hadn't read the documents and they are not eager to sort of constrain themselves to the very narrow scope of each of these Workstream 2 projects.

We have many BC members who volunteered as participants and observers across the spectrum of Workstream 2 projects. And if you can do so quickly I's welcome any reports that you have on how that's going. And then I'm done Chris. Thank you.

Chris Wilson: Thanks Steve. Well I can go ahead just as co-rapporteur for the transparency Workstream 2 subgroup I can let folks know that are interested, you know, we'll be having our next call tomorrow at 1:00 am Eastern Time 0500 UTC where we'll be sort of finalizing I think the parameters for the group. We've done - there's been some - already done some good due diligence and research some from subgroup members that have provided that - the group. And I think we'll begin to start sort of working more substantively after tomorrow's call but we'll have more to report I guess after tomorrow.

And I know that I guess the CCWG Accountability Workgroup will having its - I think it's having its plannery call next week as well where we'll hear from all of the Workstream 2 subgroups as to where they are.

But I think to Steve's point I think we are all seem to be - continue to be in early stages of development. But hopefully come November there'll be more - a lot more to talk about. But that's where we are on transparency. Anyone else have comments, questions?

Denise Michel: This is Denise. I've got just...

Chris Wilson: Yes.

Denise Michel: A couple quick questions for I guess Steve and Phil on politics and substance. On the politics what are ICANN lobbyists doing to gain support within the Republican side of the House? And on the substance Steve can you remind me

what our expectations are in terms of the actual implementation timing of the first set of bylaws that came out of Workstream 1? Thanks.

Steve DelBianco: The second question is easier Denise. This is Steve. The bylaws were written and approved by the board but they sort of have a trigger date saying that they would be triggered as the termination of the IANA contract. But because that was something that ICANN was committed to all of the implementation steps like establishing the post transition IANA, the CSC setting up the legal paperwork and the agreements as you well know all of that's been proceeding as if the transition is happening.

We're setting up the empowered community, the GNSO's going to modify our bylaws to be able to participate. So we are full steam ahead on implementation but the board may decide when - if an extension were to happen that it wouldn't need to live by the new bylaws. And I think that would be a significant opportunity for us to push the board on honoring the commitment they made to us in Marrakesh to say that these new - the community has spoken is the statement that (Cherine) and Crocker made. The community has spoken, the train has left the station. We understand you want this kind of accountability and you're going to get it. That was the first.

The other question you asked was about what is ICANN lobbyists doing? And Chris Wilson will back me up on this. We have no idea what ICANN's lobbyists are doing. There's no reporting or transparency about that with ICANN the way there is with trade associations like mine or companies like Chris's and yours. So we don't have a clue who they're lobbying and how.

And I would add the ICANN lobby might not be the best way to advocate. ICANN is not popular on the Hill. The BC is among the many groups that has concerns about ICANN's contract compliance, they've not handled Senator

Cruz well in response to his questions. So I don't know that it's that helpful for ICANN to lobby and I don't have any idea what they're doing. Thank you.

Chris Wilson: I see Jimson is that a - I don't know if your hand is raised for a new question or that's from the last question. But I also see Andrew Mack's hand and Phil's hands So Jimson do you have...

Jimson Olufuye: Yes, it is Jimson.

Chris Wilson: Go ahead.

Jimson Olufuye: Well I participated in the ombudsman the Subcommittee Subgroup Workstream 2 and they meeting - they are meeting yesterday. It has been quite interesting. A major concern is to me I think maybe to us this (unintelligible) Steve's last comment is about enforceability. The (unintelligible) right now is that ombudsman recommendation we have - ombudsman submission is always recommendation. Ombudsman is never enforceable.

So but we're looking at the nexus between the PTI and then - and the GNSO activities of ombudsman. So that's the current level of discussion. Thank you.

Chris Wilson: Thank you Jimson. Andrew Mack?

Andrew Mack: Yes I sit on the Human Rights Subgroup. And we've had now I think four or five meetings that as you can imagine the tough (unintelligible). And so we're looking at - there are three if you will there are three lines of approach in talking about whether we are to respect, enforce or protect or some combination thereof of human rights and what human rights might be.



I am working along the lines that enforcement and protection are things that seem to fall pretty far outside of ICANN's vote capacity and mandate and that we should be focusing into the (unintelligible) that we can respect as the operative - the - we're looking to add some different standards including the (Rugi) principles and how those can be adapted and if not the (Rugi) principles in their exact current form, some variation thereof. And that's about where we are right now.

It's a fairly big group representing an awful lot of different interests in an awful lot of different countries. And I think there's a wide belief that we need to keep it simple and to keep, you know, to kind of to some extent stick to our ICANN knitting. Thanks.

Chris Wilson: Thanks Andrew. Phil Corwin?

Philip Corwin: Yes thank you Chris, Phil for the record. Just responding quickly on lobbying on the transition. As Steve described this is going to come down to whether they in the continuing resolution which they must pass before the end of September to fund the federal government going forward whether they're going to add in that line that extends the transition freeze. And as Steve reported Department of Commerce has indicated they're going to abide by that regardless of whether they have an argument that appropriated funds wouldn't be needed.

These decisions tend to be made by a very small group. You're talking about the House and Senate leadership in conjunction with the chairs and ranking members of the Appropriations Committee and administration officials. It's very high level negotiations, very difficult to lobby. And particularly on the House side they're always trying to thread a needle between not including issues that would incite a White House veto -- and I don't think the IANA

transition would rise to that level in any way -- and making sure they have enough votes from the 40 member Freedom Caucus to pass the resolution and not get blamed for a temporary shutdown of the government if they can't pass a funding resolution where the House is the major obstacle. So it's a difficult situation.

I also wanted to comment on Marilyn's remarks in the chat about India. Yes India, the Indian government has not been a big supporter of the ICANN model. They've tended to be more for the UN IGO model. And Indian groups, civil society groups have been in the lead on questioning ICANN US jurisdiction. So we could have a very interesting situation in Hyderabad assuming that we can get our Visas to go to Hyderabad if we show up there and the transition hasn't happened yet. That's all I have.

Chris Wilson: Thanks Phil. Any other further thoughts, question on this topic? If not we've got just a few minutes left in the hour. Why don't Jimson I go and turn to you quickly for your financial and outreach report and then we can close up?

Jimson Olufuye: Thank you Chris. This is Jimson. Now first on operations just I'm happy to announce that the election results is out for the GNSO Council election. Suzanne Kawaguchi being the overwhelmingly elected with 89 votes. So for a second and final time as councilor attending the live business of the BC so zero votes abstain. So the detail will be sent to the list by Chantelle after this meeting.

I would like to also inform members that the BC officers election timeline 2016 would soon be communicated. So four BC officers seats will be up for election. So that was the chair, the vice chair, finance and operation, vice chair policy coordination and CSG rep. So that notification will come forward soon.

Then we are already collecting articles for our next newsletter for ICANN 57. The deadline is September 16. So thanks to Chris, Chris Wilson, Steve DelBianco, Phil and Susan and Angie for your very useful and relevant articles. Our outreach in Windhoek in Namibia in collaboration with Africa doing the summit is still ongoing. It's onstream. It is slated for October 13. So as you know the object objective is in line with our FY '17 BC outreach strategy by the Outreach Committee. And then those by the ExCom and is focused on attracting ten new members this fiscal year. And Chris Moore when it's about the BC and ICANN bottom-up multistakeholder process.

Through this outreach our ICANN support will be providing travels for four regional members to participate and facilitate the event. A (unintelligible) BC (unintelligible) form will be supporting two potential business leaders in Africa to attend the event. Can you hear me?

Chris Wilson: Yes. Jimson?

Jimson Olufuye: Yes. Can you hear me? I'm speaking through the (AC).

Chris Wilson: Yes we can hear you. Go ahead. Now we can't hear you Jimson.

Jimson Olufuye: Hello. This is Jimson.

Chris Wilson: Okay go ahead.

Jimson Olufuye: Can you hear me now?

Chris Wilson: Yes.

Jimson Olufuye: Okay.

Chris Wilson: Go ahead.

Jimson Olufuye: Yes so I was talking about the outreach in the Windhoek, Namibia in collaboration with Victor. So that the BC funding will be providing travel support for two potential business leaders in Africa to attend the outreach and the events along with our logistics. So I would like to thank the Outreach Committee members for their cooperation and ExCom in this regard. Something else commended labeled members (unintelligible) process their dues this year. About 80% of members have completed payments while 10% are about to conclude the process. The online payment integration process is still ongoing so hopefully by FY '18 it will be possible for members to pay online as I said earlier through a secure platform. So that is about it. And if there's any questions I'm ready to take them.

Chris Wilson: Thank you Jimson. Any questions? Andrew I think you have - is that an old and I think, Andrew Mack? If...

((Crosstalk))

Chris Wilson: ...no questions for Jimson I'll go ahead wrap up. This is Chris. Real quick, next meeting obviously will be two weeks from today on September 22 so please, please put that on your calendar. I also wanted - it's not listed on the agenda but I did want to take a quick survey of folks. Did anyone on the call for today's call participate or have a chance I get to listen to the archive of the Webinar from yesterday with regard to Visas and meeting logistics? Did anyone (unintelligible) sort of raise their hand if anyone did do that?

I have not had a chance. I see Jimson, Beth, Paul. Maybe could someone provide maybe just a quick one minute overview of what was - what the

takeaway was from that for those that haven't had a chance to do that? Maybe Paul could I turn to you real quick and just provide a quick overview of what the Webinar covered and, you know, what should we expect?

Paul Mitchell: Sure. Can you hear me?

Chris Wilson: Yes thanks.

Paul Mitchell: Okay good. So it was kind of an underwhelming Webinar. Basically it covered Visas. The bottom line on Visas is it's a conference Visa, not a business Visa. And, you know, get applying now. If you need the letters from ICANN there's a list started for that.

A little discussion about security which sounds like it's going to essentially be like it was in Marrakesh. A discussion about transportation to and from the hotels. There'll be shuttle buses that'll run beginning of the day towards the middle of the day and at the end of the day but they don't have a real schedule. And if you're staying in the Taj Hotel the Taj Hotel have separate buses for transfer. And really there wasn't much else other than that. There will be free lunch. That was new and I think that's about it.

Marilyn Cade: Hi. It's Marilyn Chris. Can I make one other comment?

Chris Wilson: Sure. Please Marilyn.

Marilyn Cade: I guess I was a little distressed to hear that the consulates in Washington and perhaps other cities are not receiving face to face applications that require going through third parties. And for someone like me or others not just business but also NGOs that live in a consulate city like Washington DC or elsewhere that's a kind of a big problem. So that was a big surprise to me to

hear that. It's not just a problem in terms of the cost which adds another \$100 to \$160 but it's a flexibility issue for those of us who travel frequently because we send our passport away and that's eight to ten days. So that was a real surprise to me to hear.

Other things I want to say other things were useful. I think our members who are not anywhere close to a consulate city I think we have to be really concerned about what that means for attendance from business from outside of India. I respect why these requirements were established but I think they're fairly complicated.

Barbara Wanner: Hi everybody. This is Barbara. Can – may I follow up on Marilyn's comments?

Chris Wilson: Sure. Go ahead Barbara.

Barbara Wanner: Okay. I just had very practical advice for people because I muscled my way through the Visa application before I left for vacation at the end of August. Just a very a couple of very practical tips don't use Internet Explorer for this process. Use Firefox. Do not use the plus sign in front of the country code when you fill in the telephone number for the Ministry of Electronics. And pay attention to all of the documents that you have to provide this third-party contractor that's brought in to do this process in Washington DC. It's called CKGS Applications Center on 23rd Street in Washington DC.

For example they need proof of your domestic residency in the form of a driver's license. Make sure your driver's license isn't set to expire before six months. They will accept say a utility bill as proof of your residency. So that the minutia and the detail and the hoops that you have to jump through for the conference Visa I just find to be daunting. And I would encourage everybody

to begin sooner rather than later on this process but I hope the little tips help in some way. Thanks.

Chris Wilson: Thank you Barbara. And this is Chris. If you could actually maybe articulate those in an email to everyone that who's - because I'm sure there are folks that are on this call that would appreciate those tips that would be appreciated. So if you could just bang out a couple - a few bullet points and send it to the list that would be helpful.

Barbara Wanner: Okay will do.

Chris Wilson: Thanks. Jimson real quick and then we have to wrap up. Jimson go ahead.

Jimson Olufuye: Just to quickly mention that I submitted my application, no issue. Though on the Webinar some people mentioned that they were turned back that they need to apply two weeks to the event. We didn't have such experience so just let us know about it.

Chris Wilson: Okay. Thank you, Jimson. Any other final thoughts, questions, concerns about Visas? As folks start applying and hopefully getting them please let us all know and if you're getting rejected that would be helpful to know too because if we start seeing critical mass issues from the BC we can at least alert folks within ICANN that this is a problem from a lot of us. But we'll hopefully no more in the coming weeks when folks have started applying and getting feedback back from the Indian government.

Okay. Any other final thoughts, questions, issues concerns from folks? Seeing none we will go ahead and end this call and look forward to talking to everybody in a couple of weeks. Thank you all very much for joining.

Chantelle Doerksen: Thank you everyone. Operator, you may now stop the recording.

END