

ICANN

**Moderator: Chantelle Doerksen
September 22, 2016
10:00 am CT**

Coordinator: This call is now being recorded.

Chantelle Doerksen: Good morning, good afternoon, and good evening. Welcome to the BC members call on September 22, 2016.

On the call today we have Jay Chapman, Ellen Blackler, Tim Smith, Cheryl Miller, John Berard, Steve DelBianco, Alex Deacon, Chris Wilson, Lawrence Olawale-Roberts, Claudia Martinuzzi, Jimson Olufuye, Naser Baseer, Zahid Jamil, Andy Abrams, Angie Graves, Beth Alegretti, Susan Kawaguchi, (Katrina Nichols), Marilyn Cade, Denise Michel, and Ben Lee.

We have apologies from Andrew Mack, Bob Heimbecker, Barbara Wanner, Cecilia Smith, Gabriela Szlak, Marie Pattullo, Olga Yaguez, Paul Mitchell, and Tim Chen.

I will also note that Philip Corwin has 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, and thanks everybody for taking the time to be on today's call. We have a fair amount to talk about. So why don't I go ahead and turn to Steve and the policy calendar. I know we don't have a lot of open comment periods right now but I know there's other important information to talk about. So, Steve, why don't we go ahead and turn to you?

Steve DelBianco: Hey thanks, Chris. It's Steve DelBianco your vice chair for policy. Since our last call, we've published a couple of additional comments. On September the 9th we commented on the new gTLD marketplace health index beta. And big thanks to Angie Graves for not only being on the panel but for also drafting the BC comments, which were very detailed. Thanks, Angie.

And then on the 9th of September we also commented on the proposed IANA naming functions agreement, and that's between PTI and ICANN. Now Barbara Wanner did the primary drafting with help from Angie Graves. Thanks to Barbara and Angie for that.

Other things I've covered on earlier reports. Then when you turn to the currently open public comments, amazingly there's only a single open comment. It has to do with the Georgian script, and that's not something the BC ordinarily follows. So I don't have any solicitations or volunteers on today's call, and that's a switch. I think that's the first time in five years we haven't had to do that. But stay tuned. There are a lot of new public comments coming up in the next six weeks, and I do include a link to that here.

I repeated below that the special project to analyze the impact of BC comments, and this is largely at the suggestion of Denise Michel .And I think that that the ICANN consulted assigned, her name is Pam Covington, has given a couple of early drafts to Denise and I. And you can be sure that as soon as there's something substantive in that analysis, we'll share it with the entire BC so you can see where we're headed with that.

Then we turn to channel two, which is council. And the previous council meeting was way back on September the 1st. I've got links in here to the resolutions, the transcript and the agenda. Now the next council meeting is at the end of this month, next week, on the 29th of September. There's still no agenda published and there isn't a formal notice of the motions for the council meeting. So I've included a link to where the agenda should be and I included a link to the sort of draft wiki where the motions are handled.

So what I'd like to do now is to turn it over to Phil Corwin, our councilor. And Phil, I've indicated four of the motions that you wanted to cover today with some attachments, and those are in the list there. And when you're done, I'll cover some other things that are related to council, such as the bylaws for the new empowered community. Over to you, Phil.

Phil Corwin: Yes thank you, Steve. I'll start. I see Susan's on the call with us today, so I'm happy to have her chime in at any point.

Steve DelBianco: Oh great.

Phil Corwin: Yes, we've got a heavy agenda in terms of votes and some more difficult than usual issues coming up in the council meeting one week from today. You've got them listed here. The first is on a proposed charter for a working group to design a process to allocate the last resort auction funds. I don't think there's

too much controversy in that. Again, this is just so set up a working group to design the process for allocation, basically to recommend setting up some kind of independent and body one would think to deal with those funds, which currently stand at 105 million but could more than double to 240 million, depending on the outcome of the current dot-web situation.

I'm getting a lot of background noise. If someone could mute their phone, thank you.

The next one I think we're going to work that - this is a motion regarding the budget for Work Stream 2, and this budget is primarily for outside legal advice. And for Work Stream 1, a rather outstanding \$14 million was spent on outside legal counsel. That was for Sidley Austin and the California firm advising on California law. And that does not include whatever ICANN spent on advice from Jones Day beyond its own in house attorney.

So that was very high. There were frankly not very strong cost controls for that first round. And there was a tremendous amount of work being done, including drafting dozens of new pages of bylaws and analyzing all of that. So there's no reason to think that anywhere near that would be spent on Work Stream 2. However the amount set is just one-tenth of that, 1.4 million.

The process is that any request by any of the multiple subgroups working on different issues in Work Stream 2 if they believe they can't for some reason rely on ICANN Legal or Jones Day for advice, be it expertise or impartiality, they have to route the request through a legal committee, which is made up of many well-known members of the community. And the legal committee would have to sign off on that.

And then if at any point all of the 1.4 million has been expended, any request for additional funds would have to again be vetted by the legal committee. They'd have to recommend allocating more resources, and then the board, exercising its fiduciary responsibility, would have to sign off on it. So no one's talking about changing that 1.4 million. The current draft resolution says that additional funds should be expended only in extraordinary circumstances.

It's been my personal view, and that's why we're discussing this today, that that standard may be too stringent. We've got this legal committee and if they think that a request is valid, I think we should defer to them and not have a standard beyond that. And this has somehow gotten mixed up with the work of the subgroup on jurisdiction with some people saying we don't want any more money because that would go to fund legal advice on changing ICANN's jurisdiction.

That subgroup met yesterday and there's a strong consensus in there. It appears to not really get into that issue. In fact, some participants you would think you might favor are looking at that, like the representatives of both Brazil and Iran, weighed in against doing that on the ground because it's just, you know, let's live with the new system and see how it goes.

So I don't - I think the two issues need to be disentangled. The Registry Stakeholder Group has weighed in with statement. Keith Drazek weighed in last night with saying he pretty much agreed with me. We have a week to work on this. I think we can work out language in council that's acceptable to everybody on this that sets a reasonable standard that maintains spending controls but makes additional funds available if they're really needed and that can indicate the council's view that the issue of ICANN's own jurisdiction should not be reopened at this point in time.

So that's where things stand on that. Let me hit the other two quickly and then open it up for comments from Susan and then questions. Stephanie Perrin has filed the third motion at the last meeting, action on a draft motion regarding when contracted parties can get a waiver from certain Whois requirements, because they conflict with national privacy law.

The contracted parties all spoke against that, saying it basically required to - them to incriminate themselves by bringing this to the attention of national regulators that they were doing something, or planning to do something in conflict with national law. Now they have a motion rejecting that and proposing a new PDP to address Whois conflicts with law policy. I think Susan may have something to say on this, so I'll let her weigh in.

The final one I think is noncontroversial, and I'll let Steve weigh in on this. But it's about - it designates the council chair -- and I had an exchange this morning -- the chairman of the council is referred to in the bylaws as the GNSO chair, so that's how it's written, to participate - represent the GNSO in the empowered community. And that could change down the line; that's a temporary appointment.

I will stop there. I particularly appreciate feedback on the legal funding and jurisdiction issue, which again I think will be worked out before we get to a vote next Thursday. And also if Susan has anything to say on the Whois and national law conflicts or Steve on the empowered community designation issues, maybe they can speak first and then we can open this up. Thanks.

Susan Kawaguchi: Thanks, Phil. This is Susan. My only concern on the Whois conflicts with law policy recommendation is, you know, the GNSO is sort of in a funny position to say, "No, you didn't get this right, working group, go back and do it again." You know, as far as I know, we've asked more information in the past and sort

of tweaked the motions, but we haven't rejected it. And I understand why the registries and registrars are concerned with this, but it does put the GNSO Council in sort of an awkward position. So if anybody has input on that, that would be helpful to us.

Phil Corwin: Thanks, Susan. And, Steve, did you have any comments on the last motion regarding the temporary appointment of the council chair to represent GNSO and the empowered community?

Steve DelBianco: I do but I see that Chris Wilson's hand is up. Do you want to cover that first?

Chris Wilson: Sure. Thanks, Steve. I just had a quick comment on it with regard to the budget funding motion, Phil. And I just wanted to say I agree with you. I'm sort of wearing my co-rapporteur hat right now, because I'm co-rapporteur for the transparency subgroup. And though right now there's no drastic need for legal guidance or advice from that subgroup, you know, it'd be nice to ensure that there is enough sufficient flexibility, budgetary flexibility for us and any other subgroup to operate. And so I think I just want to echo or support your comments and hopefully that can be rectified.

Phil Corwin: Yes, thanks, Chris. And again, you know, maybe the 1.4 million will turn out to be more than sufficient, but it's very hard to know at this early stage in the work of those working groups when they might feel the need for outside or impartial expertise. And we're setting up this lawyers committee. You know, we can - Greg Shatan and others are on that committee, and they're not people included to just sign off on any request.

So if we're setting up that mechanism, I think we should trust in it. And then of course the board is the ultimate arbiter. They can turn down any request for additional funds. So I think the message has gone out that asking for outside

legal advice should be the last and not the first resort for these subgroups and should only be undertaken when it's really necessary to their work. And the work is time limited. They're all looking to wrap up by mid-2017.

Okay. I don't see any other hands up, so Steve, you have a comment on the last one, empowered community?

Steve DelBianco: Yes thanks, Phil. Before I jump to that, the motion to reject the working group recommendation on Whois conflicts to national law, you'll have to do a lot of work, you and Susan, over the next several days without a lot of input from the BC so it's worth 60 seconds of discussion here.

Stephanie Perrin with the Non-Commercial Stakeholders Group wants to reject the working group's recommendation for an alternative trigger. See, ordinarily the procedure created, what, nine years ago would say that the registrar or a registry, if they were given notice from a government that they can't display or transfer personal information, well then they get a waiver from that part of the Whois requirements under the registrar accreditation agreement.

The alternative that Stephanie wants to reject would say that the registrar or registry could go the government, lay out the situation and act the government to certify that you cannot display or transfer the information. That strikes me as a very subtle difference between waiting to be told and going to ask. Can you explain - I'm not sure that the BC - I mean the BC has consistently said that Whois information needs to be accurate and accessible, and at the same time we understand that companies have to follow national law.

Now all the national laws regarding the privacy of information typically allowed the display if there's consent. So a lot of times there's consent that's

embedded in the terms of service when a registrant acquires a domain name. But can you share with us why is the Non-Commercial Stakeholders Group seeking to stop this alternate trigger? Because I would think that would satisfy their privacy focus. Anything you can enlighten us on?

Phil Corwin: Well I see Susan's hand up, so maybe she wants to speak to this.

Susan Kawaguchi: Yes, my point of view is that especially Stephanie is advocating that this is not a reasonable solution and that other solutions should be sought in this. One thing that, you know, everyone should realize is this does not - there's no burden on a registry or registrar to go to their, you know, government and say, "Hey, this is what we're doing. Can you give us an opinion on whether or not we're violating law?"

And so this is just one more, you know, choice a registrar or registry could make but nobody's going to make them do this. So to me, it may not be the best answer to this policy. And this policy has not - as far as I know, and I've followed this off and on so, you know, I could be not completely correct on this, but there's no government that's ever come forward and said, "You cannot transfer this data. This is a violation of this law in this country."

There's been a lot of rhetoric around, "Oh this is not a good thing to do" and, you know, is it informed consent and all of the discussions, you know, the Article 29, the EU papers definitely discuss it but it's never - there's never been anything concrete. And I think there's only been one registrar that's actually pushed back and gotten an exception, except maybe .CAT too, I'm not sure.

So, you know, this - in some ways this is - it's a sign of all the issues and struggles around Whois. This is a very minor component, in my opinion, and I

don't see this as harmful. I think the BC should back it and we just let it go through, as long as it's not a requirement that the registrar and registries go forward and ask their government.

Phil Corwin: Susan, are you advocating we back Stephanie's motion or the original motion?

Steve DelBianco: No.

Susan Kawaguchi: Original motion. I think it's - you know, and I think as a GNSO councilor we have the responsibility to say, "Did this working group do the work that needs to be done and do we agree with the recommendations?" So do we - I don't know that we can defer it again. But I think we have some responsibility to say, "Hey, we think more work needs to be done on this, but in the meantime we'll agree to this recommendation and move it forward."

But to have a group of community members who have spent I think it's like 18 months, 2 years going through this and then having the working, you know, the council say, "No, you didn't get it right. We reject this," I'm just not comfortable with that sort (unintelligible).

Phil Corwin: Yes I agree with that point completely. I'm very - given the already heavy burden, and we all know it's pretty much the same members of the community involved in so much of what's going on in Work Stream 2 and the various very important PDPs that are going on right now, to just after a working group has spent a long time and come up with a recommendation to just say, "We don't like what you came up with and we're going to start a new one to re-plow the same ground for the next year or two," I just - putting that burden on the community, I think the council needs to make a decision one way or the other and not defer it by placing new burdens on the community to look at the same issue again.

Steve DelBianco: Phil and Susan, it's Steve. I mean I do want to note though that the reason Stephanie gives has nothing to do with whether the recommendation was a good one. She is claiming that the recommendation of a working group is not consistent with the original policy the GNSO adopted. And I agree with everything you and Susan said about sticking with the alternative trigger and rejecting Stephanie, but you can't base that argument on whether you like the recommendation and you can't base the argument on whether we're too busy and have too much work to do.

We have to address Stephanie's point of process because she's claiming that the working group went outside of GNSO policy. So my recommendation is we go back and read the policy from 2005 and find a way to say that the working group came up with something that fits the policy and simply disagree with Stephanie on that point and not make an argument on whether we think it's a good policy or whether we're too busy. And I'll assist you in that if you need it.

Susan Kawaguchi: Yes, I appreciate that. And that is what Stephanie - that's her argument in everything. So I would be surprised if she's actually accurate in this. That's my own personal thought.

Phil Corwin: I agree but first we have to look at whether her claim is true and then, you know, playing devil's advocate, isn't the job of these PDP working groups to recommend changes to policy, not just to represent existing policy.

Steve DelBianco: Yes but it wasn't. It was an implementation working group. It really wasn't a new PDP.

Phil Corwin: Okay.

Steve DelBianco: And so she's going to claim that it's outside the scope. So I stand with you. Let's try to get - let's implement the trigger. It makes sense but we have to win the argument on a question of whether it exceeded the original policy. It strikes me that asking the government for a letter is about the same thing as waiting until the letter arrives. I can't believe that she thinks that that is a departure from the policy. So let's try to win the day on the alternative trigger. Thanks everyone.

And then Phil you asked me to address the motion about chair of council representing the GNSO and the empowered community. If you don't mind, I'll dovetail that with the next item, which is right there on the bottom of Page 2. I brought this up on our last call on the chair of a drafting team, not a working group but slightly different, a drafting team that was given about a month to come up with implementation recommendations for changes that might be needed to the bylaws and GNSO procedures, changes that are needed to respond to the new accountability powers that we secured as a result of the transition in the IANA transition.

There's a hundred instances in the new bylaws where GNSO could be asked to make a nomination or make a decision on a petition or given the opportunity to initiate a petition in the empowered community. I mean that's the fruit of all our good work at giving - well, giving us accountability mechanisms that we've never had before at ICANN.

And before you get discouraged, even if this IANA contract transition were killed or significantly delayed, we can rescue most, not all, most of those accountability powers by holding the board to its commitment. We'll get to that later in the call about when we should do that, but I'm just letting you know that those powers will be there for us.

So I'm the chair of that group, and I attached a letter that - a report that I drafted for that group. We have one more call left. We had a call yesterday. And we look at two questions. Should council speak for the GNSO in the empowered community or should it be some other way that GNSO speaks, such as the chairs of the respective stakeholder groups and constituencies?

In the nine-member drafting team, which mirrors the votes that we'll have to deal with on council, in the nine-member drafting team, we lost six to three on the question of allowing GNSO instead of council to make that. It was only the Commercial Stakeholders Group who felt that we ought to look to the GNSO constituencies and stakeholder groups instead of having council weigh in on the empowered community.

I could get into the details, but my report's pretty detailed. And then the second question got down into how council would vote. Would it still be a majority of each house or could we come up with alternative voting schemes? We're not likely to prevail on that either. So I will steer this towards having a majority and a minority report so that our drafting team will tell council that there are alternative ways that GNSO can speak.

Now in respect to the motion that Phil has identified here, it's sort of a - jumps the gun a little bit by trying to say that we very quickly need to at least make one of those 101 decisions at saying who is the GNSO chair for purposes of answering questions about the empowered community. And I think it's reasonable for council to assume that unless we come up with another mechanism, council speaks for the GNSO. And I've told you that that's the majority of the drafting team as well.

So it's logical that James would pursue this. It'd be my opinion, Phil, that there isn't any need to oppose it, but you should register that this is a temporary designation. It can be changed any time if we're successful at the drafting team coming up with an alternative for council always being the only one that speaks for the GNSO on non-policy matters.

So I've seen some of the chatter on the list, and I would think that you could support Wolf-Ulrich and saying that this is an expediency, where we're going to say that, hey for now GNSO council chair will speak at the GNSO chair until we say otherwise. I hope that that's all right. Thank you.

Phil Corwin: Yes, thanks. That was very helpful, Steve. And I think that's a good approach.

Steve DelBianco: I'll stop there and ask if there are any questions on that drafting team report that I attached as - to the policy calendar. It was attachment one. I'm both chair and representing the BC on there and coordinating tightly with our CSG brethren at using this an opportunity to suggest that council has probably broadly interpreted its mandate by stepping into non-policy matters. There's nothing in the bylaws that says council must only do policy. So we have a tough road to hoe.

A number of you have circulated on list some arguments, and we used all of those arguments. But at this point, we are trying to dislodge contract parties and nominating committee reps from the majority of each house rule. And unfortunately we can't even get support from the Non-Commercial Stakeholders Group. So at this point we are isolated and we will not prevail with a majority or a consensus. I'm glad to take questions on that, or we can just move on.

Okay go ahead, Marilyn. Can't hear you, Marilyn. Still not hearing you.

Marilyn, I'll look for your question...

Marilyn Cade: Can you hear me? Yes, yes. Okay, okay. I'm going to drop off (unintelligible).
I think that (unintelligible) could make...

Steve DelBianco: Marilyn, stop. We cannot even remotely hear you. Could you type it in the chat? I'll ask Chantelle to see if she can silence Marilyn's line and we'll...
Marilyn's calling us from the International Space Station today. Chantelle, are you able to silence Marilyn's line? Oh gosh, thank you. Denise Michel, please?

Denise Michel: Thanks, Steve. Can you hear me okay? I'm in a bad cell area as well.

Steve DelBianco: We hear you fine.

Denise Michel: I just wanted to support your position and echo concern about how the transition bylaws may be implemented in using the council chair as the default representative of the GNSO and using the council as the default voice of the GNSO constituencies and stakeholder groups on any issue. There's been quite a disturbing trend of that, occurring and the council continues to make decisions on behalf of constituencies and stakeholder groups outside of their policy remit, which is a concern particularly for the commercial parties since a majority of the (unintelligible) they lost several years.

We have quite a reduced impact on any council decision. So the more the council and the council chair is used as the arbiter on decisions representing the GNSO community, it just further dilutes the voice and the power of the Business Constituency and the other commercial constituencies. And in keeping with the spirit of the transition bylaws and proposals that you all

worked so hard on, I think it's quite critical that we come with a methodology and representation that provides atmosphere to representation and voice of the BC as well as the other commercial constituencies. Thanks.

Steve DelBianco: Denise thank you. Let me please recommend if you have a chance read my report. And if you can offer further insights on preparing another draft of that report over the next 24 hours. We only have one call left on the drafting team, and we are going to be able to register the interest and arguments for an alternative to council when it comes to non-policy matters. That'll be in the report.

We don't have any hopes that council itself would approve that by a supermajority, but my intent is to have a report that lays out the fact that we can turn directly to the chairs of the stakeholder groups and constituencies.

They are perfectly capable of making these non-policy recommendations to nominations and decisions for the (empowered) community, and that we don't need to have a majority of each house on council be the default rule for everything. And that's exactly...

Denise Michel: Yes it sounds like – I'm sorry, go ahead.

Steve DelBianco: Yes and that's what I have in the report so far, but I'd like to emphasize that. And Marilyn to your point, that's exactly what you have in there – repose that the ExComm chairs, the stakeholder groups and constituencies, which is what we tried to get done.

We're not going to succeed with arguments because we don't have the votes on the drafting team. We will not get consensus. The most I can get is a one third, and that's enough for a minority report to keep it alive. All right...

Denise Michel: I have a follow-up question Steve. So it sounds like there's no chance that - no (unintelligible) at the working group level. We already know that the commercial...

Steve DelBianco: That's right.

Denise Michel: ...have the votes (unintelligible).

Steve DelBianco: Yes and that's because the non-commercial did not back our play here.

Denise Michel: Sure.

Steve DelBianco: The non-commercial. And don't forget that even if the drafting team Denise were to get it in to council, council under the current voting scheme, has to approve it by a supermajority, which is a supermajority of each house or three quarters of one house and a majority the other.

So we would not be able to prevail even if the drafting team came back with recommendations. So we're trying to plant some seeds here.

Okay with that, I thought we would turn it over to Cheryl Miller to go Channel 3 on CSG.

Chris Wilson: Just Steve real quick because I had my hand raised – this is Chris – on this last issue. Two questions – one, 30 seconds why we're getting no support from non-commercial.

And two, if for some reason – if the transition is delayed past September 30, does that allow more time for this drafting team to work on this issue or is this sort of going to be put to bed by the end of the month regardless?

Steve DelBianco: The Non-Commercial Stakeholder Group is represented by Amr, who is co-chair with me, by Farzi Badii and by Ed Morris and Matthew Shears. And one of them has the NomCom reps. That's Ed Morris. So it's Matthew Shears, Amr, and Farzi. And they are supporting a majority of each house and supporting letting council speak for the GNSO.

They don't seem to be persuaded by arguments. And you saw my report where I laid out an entire table showing alternative voting schemes where the NCSG and CSG could come to agreement and have a supermajority of council behind us. But we could be blocked if the contract parties didn't get a majority.

And I thought that would be persuasive but there are times that we would unite against the contract parties that we want to be able to prevail. Nothing seems to be shaking them though, and I believe that will take a lot of personal lobbying to make that change.

As chair of the group, I cannot do that personal lobbying with Matt Shears, with Farzi and with Amr. So it's going to fall to others in the CSG to help with that. That's what I said in a list reply to Marilyn a little earlier. You asked a question about timing Chris?

We certainly - because I'm chairing this group, by golly, I will get a report done by September 30 but it will definitely suggest that additional time might allow us to further refine our alternatives in the minority report – alternatives to letting council vote.

I think we do have to honor the council motion that requires us to issue a report by the 30th of September. I hope that helps.

Chris Wilson: Great, thanks.

Denise Michel: Steve this is Denise just really quickly. So it sounds like - it doesn't seem to me that there's any - there would be any benefit in lobbying the non-commercial participants since, you know, way back when the commercial seats were given to the - essentially at the council level, given to the non-commercial seat.

So they have more authority and more votes at the council level than we do. It's not clear to me why.

Steve DelBianco: That doesn't say - read the alternatives though. Denise if you read the alternatives I laid out, we don't take any votes away from non-commercial. We simply allow them to not be blocked by a majority of the contract parties.

So to your point, they ought to be on board with this. So if any of you have personal relationships with Matt Shears, Farzi Badii or with Amr Elsadr, this would be the time to ask about it.

Now that report that I circulated is public. It's part of the Wiki. So you can actually just give them a heads up and say, "Hey, well why aren't you guys more open to the idea?" Thank you.

Denise Michel: The proposal would give the commercial constituencies a little more authority however...

Steve DelBianco: Not at all.

Denise Michel: Which I would...

Steve DelBianco: Not at all. Not it doesn't. It doesn't give any more authority. It maintains - it does not. It just removes the requirement of a majority of each house. You can see that on Page 4 and 5 if you take a quick look at that.

Denise Michel: And they haven't articulated any reason for opposing that?

Steve DelBianco: I would say no. I would say Farzi and Matt Shears have not articulated a reason but Amr has said, "Hey, I'm open to it." He's not ready to say yes or no right now, but he's open to it. So Amr may be the first one to move. And I have no idea if they're being guided by Avri. They've never been on any of the calls.

Okay Chris, over to Cheryl Miller to talk about CSG. That's Channel 3 on Page 3 of your policy calendar. Thank you.

Cheryl Miller: Hi. Thank you Steve. So I just wanted to go over some of the planning that we've been pulling together for Hyderabad, and also give you couple of highlights. The CSG had a call on the 20th, and so we covered a couple of different topics.

So first up, I would say Chris Mondini has been pulling together the ICANN 57 business engagement events. And there are two particular events that I want to call everyone's attention to.

First, he's setting up a Webinar as he's done in the past, and it looks as though the Webinar is going to be set for Wednesday, October 12. And, you know,

it's just meant to give a general overview of ICANN, you know, an introduction for the local community, the CSG constituencies.

And he'd like for us to have a speaker for that. So for anyone who might be interested if they could just reach out to Jimson on this. And also a welcome lunch that he is setting up for Friday, November 4 from 12:15 to 1:45. I think, you know, it's just a good - it's a good way to just sort of introduce newcomers to the diversity of our entire sector.

He's looking to focus on specific topics where there will be different tables. So for example one table will sort of have e-commerce as a topic, intellectual property, trademark issues, tech security. And so for anyone who is interested in participating in either of those, if you could just reach out to Jimson if you're interested in being a speaker for those.

They're also kicking around dates for another Webinar. I think it's looking as though it could be on October 17 or 19, possibly 1 p.m. UTC. And so I'll give you final details on that.

On our broader schedule we're still trying to confirm some slots. So nothing is quite confirmed yet, but I can share that it looks as though one slot that may work for our BC private meeting will be on Thursday, November 3 from 3:15 to 4:45. And then later that day, the CSG closed meeting.

Also on Saturday, there will be a CSG session with ICANN board members. It's tentatively scheduled for 11:00 to 12:15 and it looks as though we may be able to have Markus, Bruce and Becky join us for that.

12:15 on Saturday the 5th, there's a BC outreach event. And that'll take place concurrently with the IFPCP's private meeting.

Alternatively, if the Thursday - and I know you all have been hopefully sending in to Chantelle when you think that you'll be arriving. I think an alternative time if the Thursday slot for our private meeting does not work, we may be able to procure a slot on that Saturday starting at 1:45.

Later that Saturday the 5th from - excuse me - 3:15 to 4:45 the CSG closed meeting second option for that is also - we're trying to just sort of figure out what's going to work best based on everyone's scheduling and the schedule.

Then on Sunday, the CSG open meeting - Sunday, November 6 - is slated for 11:00 to 12:15. And we have CSG board prep from 12:30 to 1:30. And then later that day, 3:15, the BC, IPC, and the IFPCP open meetings will all be taking place. And we'll end the day 5:00 to 5:30 with a CSG CPH ExComm joint meeting.

On the 7th, the GAC lunch would take place from 12:15 to 1:45. And then that - excuse me - yes, that Monday the 7th. And then on Tuesday the 8th the CSG ALAC, we've got a slot possibly for 12:15 on that date.

So we're still sort of working out all the kinks related to it. Special thanks to Chantelle for all of her help with all this and helping us to get these slots and pull everything together.

I just want to mention very quickly also from the call that we had, we had a pretty robust discussion around the vice chair election process. The notion of rotation and the sort of pros and cons among having one year versus a two-year rotation.

Greg Shatan was very much in support of a two-year rotation, you know, leaving it up to the stakeholder groups to put up what they would deem to be a reasonable candidate or even multiple candidates.

There's a little discussion about, you know, your first year being something of a learning experience and then allowing folks to really sort of hit the ground running their second year. Different views on that.

I think overall they're looking to continue the discussion via the mailing list, but I wanted to raise it and just offer an opportunity for further comment on this from anyone who's on the call right now or, you know, if you want to think about it and sort of e-mail us afterwards, that's fine too.

But I thought I would highlight at least that from the call since we spent a good amount of time on that. Okay, if there's no comment, are there any questions on any logistics or anything related to that? Okay.

Chris Wilson: Thanks Cheryl. This is Chris. I'll just echo that with regard to the meeting schedule for the ICANN 57 meeting, it is incredibly jammed. And I know scheduling BC and CSG meetings has been a real challenge just because of all the different activity going on that week. So appreciate everyone's patience as that gets finalized.

And I know in the chat it was asked that we send around. And we'll certainly have the meeting schedule sent around to folks to take a look and plan accordingly. But it is - it's a very, very, very busy week that week for the ICANN meeting. So we'll have that sent. Steve did you want to go ahead and tackle additional stuff from the calendar?

Steve DelBianco: Hey thanks Chris. I'll just quickly summarize. You all realize that a few conservative groups in Washington have united with some conservative Congressmen to say that the IANA transition somehow affects free speech and free expression online and that the transition – if you're ready for this – would turn over ICANN to the United Nations – Russia, China, and Iran.

And that rhetoric is not even remotely true. However it is politically expedient, and is gaining enough credence that the Congress is likely to prevent the transition, at least through the first week of December. It'll put a rider into the resolution funding the government that will postpone the Commerce Department's ability to terminate the IANA contract.

And that will be revisited sometime in October, November, December – probably in late November – to decide how to fund the government for the next step. And then the decision would be made yet again whether to prohibit the transition.

That decision would be made after the U.S. elections, at which point things could get very different than they are today, if you go the other extreme, or they could potentially allow the transition to proceed.

Congress is not likely to change that much in this election. It's possible that the Senate could switch to Democratic control if Hillary Clinton were to defeat Trump. But the House of Representatives is not likely to change hands.

And we're not going to prognosticate on that, but it does present a timing decision that I brought up earlier in the call. When we all gather in the first week of November in Hyderabad, it is most likely that the transition of the IANA contract will have been postponed for roughly nine weeks – at least nine weeks.

That presents the dilemma of whether we press ICANN to strip out of the by-laws all of the IANA transition items and enshrine in the bylaws all of the accountability enhancements that we got by using the IANA transition as leverage because the board committed to that in Marrakesh.

It's my personal advice that we not bifurcate the bylaws when we gather in November but instead remind the board of its commitment. It's in their resolution so it's not difficult to do so.

But to put them on notice that if there's another extension beyond the first week of December, that we would insist that ICANN's board honor its commitment and begin to split bylaws so that the IANA elements are parked, that all of the accountability elements are given the full effect.

That's my opinion. It would be good to know what the BC thinks about it, but we don't have to make that decision on this call today. I hope that helps Chris. I do see a queue. Phil Corwin?

Philip Corwin: Yes thanks Steve. Just two quick comments. One, just noting in addition to what's on your list in the policy update, the key event yesterday was that the Trump campaign weighed in against the transition. Not clear how that will affect the ongoing negotiations, but it's probably not helpful.

I agree completely that if there is a delay to past the election that we have to be very strong in Hyderabad in telling the board to adopt the new bylaws and implement the new accountability provisions.

And one reason I think that we have to emphasize is that when Congress does come back late November to decide what they're going to do for the rest of

the fiscal year, if ICANN has moved to, you know, adopt the accountability, that will weigh in favor of ending the delay.

Whereas if they look intransigent and are holding the accountability hostage, that may not play well on Capitol Hill. So that's all I had to say on that.

Steve DelBianco: Phil since I don't see any other hands up, let me offer a counterpoint. If in fact we got all of the accountability enhancements, we end up creating a situation where there's less pressure to actually do the IANA transition because the accountability enhancements are really unprecedented. They give us tremendous control over ICANN in a way we never had before.

And if we get that, well it definitely loses a lot of urgency over terminating the IANA contract which still in my opinion puts a giant target on ICANN because if you believe Senator Cruz and others, the IANA contract lets the U.S. control the Internet since letting go of the contract means that the U.S. doesn't control the Internet.

And that rhetoric coupled with a lack of a transition paints a giant target on ICANN. It's something that the UN and governmental agencies would prefer to step into those shoes. So I think it cuts both ways.

Philip Corwin: Well yeah but I thought you were advocating telling the board in Hyderabad to move forward with the by-laws.

Steve DelBianco: No I was not. I was advising the board – let's be sure that we tell the board that we heard the commitment in Marrakesh. We read the commitment in the May resolution and we will hold the board to the commitment of implementing all the accountability enhancements.

But I don't think personally that we should do so in Hyderabad. Hyderabad will be just one month away from the end of that continuing resolution. And all of the work of splitting those bylaws up, we don't have to go through that work if it turns out that the transition occurs on December the 10th.

And I'm saying defer that work but remind the board of its commitment, and then we'll have plenty of time to just go (unintelligible).

Philip Corwin: All right, well I'll take that under advisement. I'm right now inclined to push a little harder to at least get a firm statement from the board as to - you know, they did say they will consult with the community on what should be done if there was a delay. And I think they should at least make a commitment to what they're going to do if there is a continued delay in the transition.

Steve DelBianco: I would agree. The key word there is continued delay if it goes beyond December the 9th. That would be my view. I'll bet we're closer than you think. And Chris over to you. I hate to dominate the discussion like that. Go ahead.

Chris Wilson: I just - real quick point on this. I think - you know, I think in Marrakesh, I think the community at large, you know, asked for the commitment of a bifurcation because frankly precisely because of this situation we're in now.

And I know the CSG in their open meeting with Steve Crocker and other board members and Bruce, you know, made this point to them and that, you know, that was an opportunity for them to make that commitment.

You know, I think other members of the community at the time were, you know, supported that notion and were pleased to see that commitment. And

so, you know, I think we need to be careful of making sure we're consistent with that notion.

I mean, I think I recognize that there - you know, timing is important here. But to Phil's point I do think there's some benefit and further discussion about being a little more forceful in thinking about the notion of bifurcation and getting the ball rolling on the accountability reforms.

And I do think - I mean, to some extent I don't think whether there are certain factions on the Hill who really don't want to see this happen, and it doesn't really matter whether the accountability reforms are implemented or not in my opinion.

This is - these are political points being scored and whether or not the empowered community is initiated I don't think is going to move the needle for them. And so some of those claims I think will continue anyway.

But I hate to see us get the work get lost in the political theater here. So to the extent that we can maybe in our next call think a little bit more about this we may have a better sense of, you know, where the state of play is presumably. If there is a rider attached in the coming days we'll have a sense of the timing on that, etcetera.

But I think it's worth further discussion among the BC about how forceful we do or do not want to be in Hyderabad on this and in our discussions with board members.

So I put it out there, and I know - I think also known is - I think Becky Burr is committed to reaching out to the board and finding a way - you know,

seeing if there's a path forward, at least preliminarily seeing what can be done as well.

So, you know, that's simply my 10 cents and just - you know, I think worthy of further discussion down the road.

Steve DelBianco: Nothing further from me Chris.

Chris Wilson: Great. Thanks Steve. Any other further (comments) on that? We're approaching the top of the hour. If not, Jimson, perhaps I'll turn to you real quick, for just a couple minutes, and then we'll wrap up.

Jimson Olufuye: Yes, thank you Chris. This is Jimson. Where on the last subject I also quickly (said) that organizations are meant for continuous improvement. And if we have some measures with regard to the accountability that could further improvement in ICANN then I think it makes sense whether the IANA is permitted or not that we should to commit to improve and integrate those accountability measures going forward. So I think with respect to improvements, that will be necessary to underscore.

Now to operations. The BC Officer election timeline 2016 are already being communicated. So effective November 4, for BC officers will be up for elections. And they are the seats of the Chair, Vice Chair Finance and Operations, Vice Chair of Policy Coordination, and the CSG rep.

Two, our outreach in the Windhoek, in Namibia, is still on stream. Set for October 13th. Marilyn, Andrew Mack, Lawrence, and Waudu and Arinola will be speaking. The outreach strategy of this is in line with our FY17 Outreach strategy as updated by the outreach committee and then approved by ExComm.

And is focused on attracting more members into the BC and create some more awareness about the BC itself and about the ICANN bottom up (MS) process.

So I want to thank the outreach committee and the ExComm for their support in this regard and also to thank all the (authors of the) articles or so for our newsletter to be published for ICANN57.

On finance, about 90% of members are paid. And I could also say that I'm happy to announce to you that BC online payment platforms is set with finite position process ongoing. So we have our own branded BC online payment platform now, so we can process our cards.

Chris Wilson: Jimson I think we may have lost you. I can't hear you. Okay it looks like Jimson's line dropped. While we try to get him back up, why don't I do ahead and turn quickly to other business because we are - it's one after the hour

And then just real quick mentioning we have finalized the new Credentials Committee for the BC. Arinola and John Berard along with Andrew Mack who will be the chair of the Credentials Committee are our new Credentials Committee members.

Phil Corwin, who's transitioning out as chair of the Credentials Committee will be helping facilitate the new - the reformulation of the committee and getting them up to speed on things.

So I want to thank John and Arinola and Andrew Mack for volunteering to serve on the committee and welcome and look forward to the work there.

Turning again real quick to the BC charter, Andy Abrams is in the process of finalizing the charter, the updated charter, to reflect the ExComm's decision in response to the survey done a few weeks ago or so. So we're working on - he's working on finalizing that.

I think the goal right now from the ExComm's point of view is to be able to put the updated charter out to the BC for a full membership vote beginning on October 3 and have an open period of two weeks for BC members to vote on the revised charter. So that's tentatively what we are planning to do right now. That may be subject to change, but that's the goal.

And the goal would be obviously then to have a final vote from the BC prior to the ICANN 57 meeting in early November. So that's where we are right now on the charter.

So hopefully soon you'll see the finalized version for review and comment. Steve, I see your hand?

Steve DelBianco: Yes, just a quick announcement before anyone leaves the call. Zahid Jamil who is on the call was just designated by ICANN's Board Resolution as the chair-elect for the ICANN Nominating Committee.

So he'll perform a year as vice chair and then be the next chair of Nominating Committee. Congratulations to Zahid.

Chris Wilson: Hear, hear. Yes, thanks Steve. And thanks Zahid. Congratulations indeed. That's a great thing. So thank you for serving in that regard.

And then real quick before I turn - I don't know if Jimson's back on or not but let me just real quick...

Jimson Olufuye: Yes Chris I'm back. Chris I'm back.

Chris Wilson: Great. Tell you what. Why don't I just quickly wrap up AOB and then I'll turn right back to you in just a sec.

Jimson Olufuye: Okay.

Chris Wilson: Just lastly Chantelle just sent out to the full list the at-large community survey. Please take a look at that. It's due October 21. In a nutshell, this survey – it actually began maybe a week ago or so. It's being conducted as part of the ITEMS International, an independent review of ICANN's at-large community.

And it's meant to sort of assess a variety issues affecting sort of all Internet users. So take a look at that and it should take you no more than five – I guess depending on your profile – 5 to 20 minutes. But - and you get the link in the chat as well.

And then lastly there's our next meeting will be October 6, same time. So look forward to talking to you all then. So Jimson, go ahead, why don't you go ahead and wrap up?

Jimson Olufuye: Yes, Chris thank you. I'll just wrap it up actually talking about (unintelligible) platform. It's (been set) through the (finance) migration (platform) is ongoing with Memberclicks. And so definitely in FY18 members be able to pay online using their cards. And we can also (process) cards with the BC branded platform. So, that is from me now. Thank you, Chris.

Chris Wilson: Okay, terrific. Thanks Jimson. I think we're all done everyone. Thank you for your time and look forward to talking to you very soon. Chantelle you can stop the recording.

Chantelle Doerksen: Thanks Chris. Operator you may now stop the recording. Please remember to disconnect all remaining lines and enjoy the rest of your day.

END