

**ICANN**

**Moderator: Chantelle Doerksen  
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10:00 am CT**

Coordinator: Recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the BC member call on Thursday the 2nd of February, 2016 - 2017 at 16:00 UTC. On the call today, we have Alex Deacon, Andrew Harris, Andy Abrams, Ari Giovenco, Arinola Akinyemi, Barbara Wanner, Beth Allegretti, Chris Wilson, Claudia Martinuzzi, Elizabeth Thomas, Isabel Rutherford, Jay Sudowski, John Berard, Marie Pattullo, Naser Bassar, Nivaldo Cleto, Philip Corwin, Steve DelBianco, Susan Kawaguchi, Jimson Olufuye, Lawrence Olawale-Roberts, and Marcus Eke.

I would like - we have listed apologies from Paul Mitchel and Geoffrey Noakes. From staff we have myself Terri Agnew. Also joining us is Andrew Mack. I would like to remind all to please state your name before speaking for recording and transcription purposes. With this, I'll turn it back over to Christopher Wilson. Please begin.

Christopher Wilson: Thank you Terri. Thanks everyone for taking the time to join our call today. Steve I'm (unintelligible) with you to talk technically about policy counter.

Steve DelBianco: Thanks Chris. This is Steve DelBianco and thanks to staff for displaying the policy calendar. I'll start with the last three comments filed were filed in between our previous BC call. On January 23, we filed on the identifier technology health indicators. Those are those diseases that ICANN staff was using to label certain characteristics. And let me say thank you to Dr. John Berard and Andy Abrams, Alex Deacon and Denise Michel for coming up with an antidote for those diseases.

I think our comments echo some of the comments that came from other CSG members that labeling abuses of the DNS is really not a sufficient step and it might even be a distraction from actually coming up with a solution. And then on the 31st of January, just earlier this week, we got a comment on that proposed supplemental procedures for the IRP or independent review process.

This went through a couple of iterations and a huge thank you for Jay Sudowski for kicking it off and then Phil Corwin, Christopher Wilson and Marie came in with P edits. And when I submitted those comments, we had to ask for an extra week. And so I did that outreach both through staff and to the chair of that implementation oversight team.

While we asked for two weeks, they gave us one and that one week was I think was plenty for the BC to refine the edits and work in our concern. And what we highlighted there is that we are asking for a moratorium on any shot clocks or time limits pending further study. If our wishes are granted on that, then we'll be recommending that there are no time limits initially for the - for

bringing up an IRP claim. And thanks again to Denise Michel for pushing on that moratorium point.

The rest of our CSG brethren came up with something similar but it remains to be seen what staff does. What I had said to each of you, though, is it is just as important that we press on the implementation oversight team which is staff by community members led by David McAuley of VeriSign.

And we lean on - if we lean on them to push back on any time limits, that's one step better than waiting until staff analyzes all the comments and comes back with something, especially when staff might well be deferential to ICANN's legal department, which is the ones who came up with the time limits to begin with. You know, I'd like to stop there and see if Chris or Barbara have any other insights about comments that came from other elements in the commercial stakeholders group and what our plan ought to be there. Chris or Barbara?

Christopher Wilson: Steve this is Chris. No real - no new insight other than I think what I sent around to everyone last week or maybe early this week -- I'm losing track of time -- about where the other things for the other CSG constituencies are. I think it's a bit of a - I think everyone sort of shares the same concerns with the proposed timelines. The question is how to rectify that.

But, you know, this may be something that if we - if the CSG at large feel strongly about, we can talk about it amongst ourselves at least sort of leadership at the intersessional. You know, we usually have a breakout session. We - so it's something we can discuss further with our leadership.

And then obviously if we need - feel the need, we can certainly think about maybe Copenhagen if that's not too late. But I think, you know, collectively

even though we haven't really coordinated collectively we've sort of brought forward a strong position that there's, you know, there are concerns with this - the shot clock. So I think that's sort of where we are now.

Steve DelBianco: Chris let me ask. I said this in an earlier email. It would be great if you, Jay and Phil would join me on the 9th of February on the call for the implementation oversight team. And we're not active members of that group but we can quietly offer some insight and perspective and I'm sure we'll be allowed to speak on the call if we get in line. Okay?

Christopher Wilson: Sure.

Steve DelBianco: Okay great. Thank you. And then finally, yesterday we filed a comment on the proposed renewal of the .moby sponsored TLD agreement. And I put out a call saying if people didn't come in with the edits, I was going to excise all of the carryover from triple X. And all of you responded and I'm very grateful for that. Phil Corwin and Beth Allgretti came through with a lot of help on drafting as did Andy Abrams, Marilyn, Kate and Marie for editing. So we submitted that yesterday and so that made it in.

Let me turn now to channel - the current public comment periods that are open. So I have three of them here that I wanted to briefly cover. First is amendments to the BC charter. Now the outreach committee of the BC has been taking particular notice of one of the critiques that was filed very early on regarding the BC's charter. Not the John Berard comment on thresholds but rather this notion of whether diversity of languages among our elected officers is a problem or is indicative of a lack of outreach and diversity in the BC at large.

So our outreach committee debated among themselves and came up with a very brief three paragraph response which we can put into the response queue on this comment period. In other words, we don't have to wait until the 15th of February when the comments close and analyze them all.

The BC itself can put a brief response in that I think indicates we're very strong on the appropriate kind of diversity and that is the diversity among geographical representation of the business community. And I don't think that the linguistic difference that was pointed out by our colleagues from the French CCTLD was ever part of our purposeful diversity efforts.

So Andy Mack I know you're on the line. I'm going to ask Terri to bring up the attachment that I put into the policy calendar. Terri are you able to do that? It's just three paragraphs long. And Andy Mack, I'd like you to lead us through what you have in here and let's host a brief discussion among BC members about posting this to the public comment in the next couple of days. Andy?

Andrew Mack: Sure Steve. Thanks very much. And thanks to the people who are mentioned to Marilyn and Jimson and Lawrence who contributed to this comment. We had a good back and forth as Steve said. Our goal was to keep this short. We don't want to belabor the point or appear to be over, you know, explaining or to seem defensive about it.

But we thought that it made good strategic sense to try to nip it in the bud rather than waiting for it to go to ICANN and come back, especially since I think as you said Steve I think we have a good record to stand on and we're proud of our diversity and proud of the efforts that we've made. So I - if everybody has enough there, it's a short comment Steve. Would you like me to just read it?

Steve DelBianco: Andy I don't think it's necessary to read it out. Everybody received it last night...

Andrew Mack: Oh okay. Yes so...

Steve DelBianco: ...and it's on the Adobe screen right now.

Andrew Mack: Perfect. Okay. So then, you know, we make a brief mention of SMEs so that we make sure that we're including the entire world both large and small businesses. And we end with the BC actively welcomes business representatives from all regions and will continue to encourage BC members from diverse regions and backgrounds to run for leadership positions. And that really is the gist of it.

If they're concerned about the lack of diversity on our leadership, all we can do is encourage people to run. And we make mention of the fact that there are a number of BC members from diverse language groups and diverse regional groups especially and that we - that includes people in countries that speak French. So I mean I think we're pretty well covered. Does anybody have any questions about it specifically?

Steve DelBianco: Thanks Andy. Again the topic on the table is should we submit this comment in the public comment period say tomorrow giving an opportunity yet again for the BC to analyze all the comments when they come back. The trick is that we want to be specific in our response on this one without necessarily acting as if we are reacting to the AFNIC comment. So my recommendation is that we do submit this, the BC submit a comment on its own.

And I guess it would take a queue and anybody who has questions or concerns about that or objection. Right, hearing none Andy let me thank you.

Lawrence, Jimson and Marilyn Cade for the work of this drafting. Your work is not done because after I submit this two weeks from now on February the 15th when the comment period closes, we'll probably have to even put together a more substantive response on what we are spending on outreach because we put a lot of resources into that Andy.

Christopher Wilson: Steve this is Chris. Real quick I think Marie did pose a question in the chat about it and her point was why single out French and French speaking. Obviously we know why because AFNIC raised it. But if we're not going to make this AFNIC focused, maybe we want to just not mention French, French speaking. Maybe we, you know, mention multiple languages. I don't know but that's something Marie raised.

Steve DelBianco: My inclination was to specifically identify the AFNIC comment. That would have been my preference and to keep the language that's in there. Let me ask Andy your point on that.

Andrew Mack: Yes Steve I - my feeling is the same as yours. I'd like to go directly at it since they didn't say that - I mean to be completely honest, they didn't say we think that there should be more language diversity. They said that there should be more French. And so we might as well go right at that and say hey in addition, you know...

Steve DelBianco: Exactly.

Andrew Mack: ...language - we're open to all regions and yes among them is French. So get off your butts and run for office, you know.

Steve DelBianco: And Andy that might not be the exact words you'll use but I'd like to ask you to - I'd like to ask you as the chair of the group to propose a new sentence to clarify that second paragraph. And it might even be that you do it as a header sentence at the header of this. And if you do that later on today and we can circulate it to the BC, we can still submit it over the weekend to the list.

Andrew Mack: Steve I'm not sure I'm understanding what you're asking. Sorry.

Steve DelBianco: The extra sentence to identify that we are specifically reacting to the AFNIC comment.

Andrew Mack: Oh got it. Okay.

Steve DelBianco: I'm agreeing with you and that sentence could either be at the very top of those three paragraphs. And if it is, it makes it clear why we are responding to this specific strange criticism about not having French speakers on the executive committee. So we have both. And Marilyn I think is agreeing. We focus broadly and then and specifically on the comment and let's cover it that. So Andy as chair of the outreach committee, would you make another pass at adding a sentence? And thank you Marie. And then we'll circulate that to the full BC for a day or two review before we post.

Andrew Mack: Great. Will do...

Steve DelBianco: Thank you Andy. Okay great. The next public comment period that's open is on geo names, right, geographic names at the second level and a whole batch of new GTLDs and they are all brands. The BC has supported geo name releases many times before thanks to the leadership of Andy Abrams and this particular one I think we can actually treat them as a batch.



We ought to be able to recycle, reuse the comments that we've done before. Andy I see you're on the call and this isn't due until the 24th of February. Can I ask yet again if you would amend our most recent geo comment and circulate it to the list?

Andy Abrams: Sure Steve. Will do.

Steve DelBianco: Andy thank you very much. I'm not going to ask for other volunteers because I think that you've got this done to a formula and it ought to be easy for you to circulate, get that around to the group. Thanks.

The third one is not due until the first of March. And what we have here is something that Phil Corwin is very keenly following. And it's the initial report from the GNSO on what to do about intergovernmental organizations and non-governmental organizations like the Red Cross or CARE and groups that are under the UN auspices.

They want access to special rights protection mechanisms. And Phil Corwin has talked about this many times before and that the GNSO's inclination has been to use the rights protection mechanisms that we already have for second level protections. We already know we have protections at the top level when there's a new application round open up but this is really about the second level. Phil Corwin, I'll carry over to you. Do you want to add any color to that while we try to solicit volunteers to help with this?

Phil Corwin: Yes. Thanks Steve and this relates to a working group of which I've been co-chair for about two years now along with Pettar Rindforth from the IPC. We've been very careful and deliberative in our work including taking a time out to secure the input of a recognized expert in international law to advise us on the generally recognized scope of sovereign immunity for IGOs because

the IGOs were claiming extremely broad immunity which our expert came in with a rather different view.

I'm happy to - I don't think it would be appropriate for me as co-chair to be involved to be the main drafter of this. I'd like to be available to answer questions about anything in our initial draft report and recommendations, which is more than 100 pages in length. And between the footnotes in the main report and the footnotes in the legal experts' memo, there - it's - there's more than 200 footnotes relating to the documents which provide the background for this.

What we've done is and this is probably going to be a point of contention between GNSO and the GAC. Rather than acquiesce to the request of the IGOs backed by the GAC they wanted a completely separate process similar to both the UDRP and URS.

But just for IGOs and one in which the losing party would have no right to appeal to a court of jurisdiction, what we've done instead is we've offered them the substantial relief against infringement of their names and acronyms by allowing them to use for standing not just trademark registrations but assertion of their rights under article six tier of the Paris Convention which gives them recognized rights in the trademark law systems of all signatories in that convention as well as all nations that are part of the World Trade Organization.

We've suggested that they should be able to file through agents, assignees, or a licensee so that they don't have to concede their immunity by filing directly. And on the question of assertion of sovereign immunity and an appeal, we basically said it should be up to the court to decide whether they have immunity because that's basically what our expert told us that whether an

organization has immunity depends on a wide variety of factors including the national court in which the assertion is made.

So it's out there for comment. I think it's an extremely solid piece of work and I'm happy to help any BC members who volunteer to draft a comment to answer any questions they had about any of the points in the report because it can get a bit dense. The other thing I want to mention in conjunction with this, which relates to us at GNSO,

Steve DelBianco: Yes.

Phil Corwin: There's going to be a group set up run by Bruce Tonkin to have a facilitated discussion between the GAC and GNSO on the outstanding IGO and Red Cross issues.

Steve Delbianco: I mean...

Phil Corwin: I'm hearing background talk.

Steve DelBianco: Okay. Okay you tell me.

Phil Corwin: I'm hearing someone in the background. Could you please mute your phone? Yes can staff find out who that is and mute that line? Thank you. And..

Steve DelBianco: Yes. Okay great. That'd be great. And then so I've been told that by Friday afternoon.

Phil Corwin: Am I the only one hearing that background chat?

Steve DelBianco: No I hear it as well Phil.

Phil Corwin: Yes it's very annoying.

Terri Agnew: Hi Phil. This is Terri. Yes we're isolating the line. Apologies for the delay.

Phil Corwin: Thank you. Thank you. Anyway, there's going to be this facilitated discussion group and I've raised concerns pointing out that it may be appropriate to have discussions between the GAC and the GNSO on the IGO issues related to permanent protections in new TLDs which is an outstanding issue. It's an outstanding issue because the Board hasn't fulfilled its responsibility to make a decision in the last 2 1/2 years.

But that I've made it clear I would not be party to anything that looked like we were trying on negotiating the curative rights process aspect of this while we still have a working group up and running and we're months and months away from delivering a final report for council review and deliberation.

So and I'm getting some assurances that that won't be the case and yet I just saw an email last night from someone with the GAC which indicated that they expect decisions to come out of this group on all issues. So we're going to have to watch that very carefully. I don't believe we can allow a precedent to be set where the GAC can intervene in the middle of an ongoing PDP that, you know, involves them and have a way to influence that process that no other part of ICANN has. So I'll stop there. I hope that was helpful.

Steve DelBianco: Helpful Phil but also intimidating. I believe by indicating how many footnotes there are and the density of the comment, it's going to make it more difficult than it should be for us to recruit a volunteer. And the last thing I want to do is to scare off a volunteer.

I believe that you capsulated what the BC's comment is likely to say which is we have proposed an adequate process that should satisfy these IGO and INGOs and BC supports that recommendation. We don't necessarily have to go into every detail and cite all the reasons because they're in the report. But is it a fair statement that you would recommend that the BC support our proposed alternative and suggest that the GAC ought to see it as adequate. Phil?

Phil Corwin: Yes. I would Steve and I hope I didn't want to intimidate when I was trying to point out how carefully this work was done. But there is a summary in the report which reviews the five main points. We may get actually asked for input on one of them where we haven't made a final decision and then the BC could go either way on that one as far as I'm concerned...

Steve DelBianco: Okay.

Phil Corwin: But overall I think - I would hope the BC would support it because what we have recommended, which would actually give standing to a much wider group of IGOs than the GAC has requested, to have access to existing ICANN processes for protecting their names and acronyms without even having to file a trademark...

Steve DelBianco: Okay. All right. All right. All right. Okay we don't have to get into all that detail now but the point is as we're asking for volunteers it's not a giant lift. We are going to endorse - we are likely to recommend endorsing the proposal, explaining why it's good, and we'll answer the question that Phil pointed out. And Phil and I can give a lot of guidance to that but we do need a volunteer and I can't ask Phil to do it. He has been the lead drafter on most of our last several comments and he's also part of the working group. Can I get one or two volunteers from the BC to help work this out?

Given that we framed it this way, it ought to be relatively easy even for a brand new volunteer who hasn't worked on things before. And the last several comments, we've had a lot of participation and help from Jay Sudowski and others. And here is Jay saying you'll take a stab at this and that's infinitely appreciated Jay but we can't always go back to the same volunteers. Let's have one more volunteer please.

And Arinola. Fantastic. Thank you very much. Phil and I will send to Jay and Arinola we'll send you a summary of the two sections to really pay attention to, the recommendation as well as the answering the question. All right thanks very much.

All right that was it for the public comment period but let me return to public comment number one on the BC's charter critique. Andrew Mack in the last four minutes drafted a new sentence for that second paragraph. I'm going to paste it into the chat and you'll see that in the chat the new sentence is the second one.

It says “in direct response to the comment from AFNIC expressing concern about French language representation in the BC, the BC counts among its members many representatives from many language groups including a number of French and French speaking businesses as well as associations with geographically and linguistically diverse memberships.” Andy, thank you for that. That's just what we were looking for.

Are there - and I note Nivaldo I note that you pointed out the Portuguese but we aren't listing Portuguese, Espanola. We're not listing all of the languages spoken. This is specifically about AFNIC and they had the - well they had the curious position that French alone was underrepresented.

So let's stick with just that and in our more general comment, we'll even do a catalogue on all the different languages and countries that we react to. So Nivaldo I hope that's okay and I hope that explains why I wouldn't just put Portuguese in the same list there. There's no list. It's just French since that's the criticism we're reacting to. Any objections? Andy Mack thank you very much. We'll submit that comment tomorrow. Thank you.

So let's turn to counsel. Sorry there's an upcoming review team for registration directory services. That's what we call who is and our counselor and expert Susan Kawaguchi has applied the chairs of the various ACs and SOs will select that I've been given the entitlement of up to seven seats, three guaranteed from the GNSO. It's virtually guaranteed that Susan's going to be part of that review team. Thank you Susan. I know your work hasn't started on that yet.

And then ICANN just opened a new volunteer solicitation for the third accountability and transparency review. We always call that ATRT. So oh and Tim Chen has applied as well. I didn't realize that. Thank you Susan. I looked at the wiki and I didn't see Tim's name in the list. Thank you Tim. So ATRT3 and I have this in the policy calendar.

If you scroll down, each of you can scroll. That particular team is going to have a very limited scope. And I was the one who helped engineer the limited scope because six of the nine projects in work stream two accountability are all about accountability

So there was a complete overlap that would have not only sapped volunteers who want to work on accountability but it would have produced potentially clashing recommendation. So the limited scope for which we're seeking

volunteers right now is really to look at the last set of ATRT recommendations and assess whether they have been properly implemented in the intervening four years. So I think this will be a bite size review team and it won't last as long as they typically do, which is on the order of a year. I would encourage some BC members to apply.

In the policy calendar, I have indicated the link to apply and they want applications in by the 21st of April. Susan indicated there's no guarantee to be selected. You're right Susan. We've got to see if we can ensure that the GNSO which gets three guaranteed and up to seven total. We want to do our best to see that you're along - you or Tim and/or Tim are among the three that are in the GNSO selections. And as I turn to counsel and turn it over to you and Phil, I'll note that the security, stability and resiliency team, the SSR team, Denise Michel was one of those three candidates.

So therefore Denise is guaranteed to be on the team. And Scott McCormick was an additional one in case 21 slots are not full. So we are endeavoring to get you and Tim into that first set of three. So with that Susan, I'll turn it over to you and to Phil to take us through the very limited piece of information in here on counsel. Go ahead Susan.

Susan Kawaguchi: Thanks Steve. I actually wanted to comment on the selection process that GNSO how we go about selecting members for these review teams and recommend endorsing them and recommending them for the team. So Ed Morris and I have worked on a process based on, you know, previous selection processes that we're trying to refine it and we use parts of that.

It hasn't been really accepted by the GNSO as this is the way it has to be done yet. But, you know, in the past for review teams and just special roles, it's - I wasn't - there wasn't a lot of transparency and it seemed sort of arbitrary on



how people were selected. So I - we were both arguing for more transparency and a defined process so that everyone understood.

One of the things that came out with the SSR was that and I missed it but we actually - the BC actually had a third candidate was - and I want to - his name - first name is Luca and I'm flakey on his last name but from Brazil. And he - his statement of interest seemed like he had a lot of good experience. But I didn't even realize he was a BC candidate. So I think we need to take a little bit more time as the BC and really think about who has applied from the BC and, you know, advocate for those, all of those candidates.

So and I'm also trying to get that included in the process that staff would go back and say to each of the stakeholder groups or constituencies, look. These three or these four have applied. We want - you know, you may want to provide recommendations to the GNSO Council for these, so there's more information about people, and we can really campaign for our - you know, to have our voice heard.

Steve Del Bianco: Susan, this is Steve. If I can add to that, when a member of the BC applies for working groups or teams, you should inform the BC that you're doing so, so that it gives us an opportunity to support in that position.

I went to that page on the RDS, the Whois applications that are in there. I went through the entire list, which is where I spotted your name on that list. And I have to tell you that I missed Tim Chen, because Tim Chen did not indicate GNSO as an endorsement. So I looked at...

Susan Kawaguchi: Oh, okay.

Steve Del Bianco: ...those people who had indicated. So Tim didn't even indicate that he was part of GNSO, but put in other.

Susan Kawaguchi: Yes.

Steve Del Bianco: Now that may be because Tim, on purpose, did not want to be there for the BC's interest, but rather just for his company or some other reason. And that's completely fine. But I'll need to sort that out with Tim and check with him on that. I don't see Tim on the call today. I'll follow up with...

Susan Kawaguchi: Yeah, I do think Tim sent an email -- I thought it was to the whole BC, but maybe it wasn't -- saying he was applying.

Steve Del Bianco: Okay.

Susan Kawaguchi: So but that was a problem we ran into also with people didn't understand if they were asking for endorsement. If they were asking for endorsement from the GNSO, then they need to be very clear about that. But also we ran into a conflict on the SSR candidates. The first GNSO candidate was actually selected by RSAC. And so that gave us an opportunity to then go back and add people, add one more person, which is good for us.

But it's also - you know, if you really want GNSO endorsement, then you should go after the GNSO endorsement, in my opinion. And I'm not sure, in this case, whether he went to RSAC, too. I think it was RSAC just decided they wanted him, so and didn't feel constrained in not picking a GNSO-endorsed candidate.

So, you know, there's always going to be some variables in this process, but I do think that we could - if we're a little more organized, the BC has a better chance of having representation on these teams, which I think is critical to us.

Christopher Wilson: Yeah, and I read Tim's application. And he mentions many times all the work that he's done, and that all of us have done in the BC. So I think Tim just made an oversight, and didn't indicate that he's seeking GNSO.

He's not applying as an expert, Marilyn. That's a separate process to go incur after. You can apply now as an expert, but no experts will be chosen until the whole review team comes together. And review team is up to 21. I wrote the new bylaws for this. After a review team comes together, the review team members themselves will decide if and who they want as outside experts. So you could apply now, but it doesn't come up that way until the team gets pulled together.

All right, Susan and Phil, do you want to take us through previous council meeting and what's on the plate for the next one?

Susan Kawaguchi: Phil, I'm going to leave that to you.

Phil Corwin: Okay, Susan. Glad to. Previous one, there was only one motion passed, about that SS - Security and Stability and Resilience team, with Denise Michel and the primary candidate, and Scott McCormick.

And the second, there were some other items discussed, and nothing - I'm trying to look here, see if there's anything major. We talked some about thick Whois. We talked about that GAC/GNSO-facilitated discussion on IGO and Red Cross issues. There was some discussion of community budget request, and some planning discussion related to ICANN 58 in Copenhagen.

But that was about it for the meeting, and we don't have an agenda for the next meeting, which is going to take place at noon Reykjavik time on the Thursday of the week that the intersessional is taking place, in two weeks.

So Susan and I and any other councilors from - who will be at that meeting, we were told on - there was a Webinar yesterday about the intersessional. And there's going to be a room set aside where we can all be on that call together.

That's going to come at the end of the 2.5 days of non-contracted party house discussions at 12 noon on Thursday the 16th in Reykjavik. So and with no agenda yet, hard to discuss what's coming up in that meeting. So that's it, Steve.

Christopher Wilson: Okay. And we did circulate, in the policy calendar, the content of that motion. Again, congratulations to Denise Michel and Scott McCormick. Maybe Scott will even make the list as well. Let's go to Channel 3, Barbara Wanner. Want to take us through what's going on with the Commercial Stakeholders Group and the intersessional?

Barbara Wanner: Sure. Well there was a Webinar -- I guess it was on Tuesday -- for the intersessional. And basically ICANN staff walked us through the agenda, and sort of clarified what would be discussed when. I don't want to bore people with the blow-by-blow. I'm happy to, if people want.

But I guess highlights would be that we will definitely have a meeting with Jamie Hedlund, the new head of compliance. Goran Marby also will be calling in, so he will be participating remotely. And then David Olive will be

available for informal discussions on the evening of the 13th, which is actually sort of Day Zero, so to speak.

But I guess maybe for the BC to discuss now on the call, or among the ex comm -- forgive me if I'm getting the procedure wrong -- would be how we want to utilize our breakout sessions. They have been scheduled very early on both days. And then just to firm up who will be our lead speakers for the two plenary sessions that we will be leading.

I know Jimson will take the lead in our leadership of the budget-related discussions in that plenary session. And then the BC has also stepped up to offer to lead discussions concerning developments related to the house, what they're calling the NCPH, quote/unquote, "presenting session." So, Chris, I don't know if there has been any further discussion among the ex comm, other ex comm members, about leadership of that particular session.

Christopher Wilson: So, Barbara, I think, yeah, no. My preference is maybe if Steve can lead that, and we can...

Barbara Wanner: Okay.

Christopher Wilson: ...talk some more about that. We don't need to - you know, I think my suggestion to you perhaps is if you could send the agenda, which I think is more or less finalized now...

Barbara Wanner: Yeah.

Christopher Wilson: ...to the full BC list, so everyone...

Barbara Wanner: Okay.

Christopher Wilson: ...their own edification. Because there will be - for those that are interested, there is remote participation - you know, I guess remote observer status available to all.

So for those BC members who are interested, and the time frame - the time zone changes aren't too drastic for you, you can certainly participate remotely in that regard. So I would certainly send around the agenda now...

Barbara Wanner: Okay.

Christopher Wilson: And then as, you know, ex comm, we can communicate amongst ourselves about how best to organize our time on the ground there.

Barbara Wanner: Okay, very good. I will do that after the call. In terms of CSG planning for ICANN 58, actually I don't have anything super up to date in that we have a planning call this afternoon.

But what I can share is it looks like there will be a CSG/GAC reception on the evening of March 14, which is Tuesday. The public forums appear to be spread out throughout the week. The first one'll be on Monday the 13th; the second one on Thursday the 16th.

The CSG is pursuing a meeting with ALAC. It's been penciled in for lunch on the 14th. The ICANN Board meeting with the CSG will be immediately before that meeting, that penciled-in meeting, with ALAC on the 14th. Our closed meeting, our BC closed meeting, will be on Monday.

And then just wanted to mention that there will be some, I guess they're called, high-interest topic sessions that would be of potential interest to

members if they want to - if they cannot attend in person, but want to participate remotely -- one of them concerning DNS abuse prevention and mitigation and response, and then the second one that was the topic of some discussion on the BC listserv, concerning meeting with the EU data protection authorities.

So as I said, we'll have another planning call this afternoon, and I'm happy to update following that. But that's kind of where things stand concerning CSG planning for ICANN 58 at the moment.

Christopher Wilson: Thanks, Barbara. And like I said, or as Barbara mentioned, we have a CSG ex comm call this afternoon - well this afternoon Eastern time in the US. And again, we'll hopefully have some more information to share on our next call. Jimson, are you available to provide an update on finance and operations?

Susan Kawaguchi: Chris, this is Susan. There's several hands up.

Christopher Wilson: Oh, I'm sorry. I missed that. Susan, go ahead.

Susan Kawaguchi: So I actually have a question for Barbara on the intersessional. There was dialogue in an email thread about Jamie Hedlund coming to the - or presenting something to the intersessional on compliance.

And I would like to actually provide several common compliance scenarios and have him walk through those. We hear a lot of rhetoric from compliance. But any time it get to details, they often, you know, sidestep that with, well we can't discuss, you know, specifics. You know, we're not prepared.

Well, you know, we can provide sort of generic but common compliance submissions, and have him walk through that. And I was hoping there was support within the BC to do that.

Christopher Wilson: So, Susan, this is Chris. I certainly support that. I think it's - you know, Jamie's going to be on the ground there, so we should take advantage of that, you know, and flag - you know, flag real world examples for him to sort of, as he ramps up his - you know, his work in that new role.

So, you know, I flagged for him already the - your earlier case that Denise presented in Hyderabad during the mitigating DNS abuse high-interest topic sessions, so I know he's aware of that particular example already. But it's not to say you shouldn't raise it again.

But I think it's worth providing him some, you know, real world examples. You know, he won't obviously probably provide too much thought leadership necessarily in that right now, but I think it's worth putting these things in front of him, so he knows where the issues are.

Susan Kawaguchi: Okay, so I'll put together some examples, and ask him to be - you know, then we can ask him to be prepared to walk through the actual process that compliance would take. We need to hear step by step how they evaluate it, what they look at. And when things do not go correctly, what they do, instead of just, oh, collaborative enforcement closed. So I'll put that together and send it to the BC.

Christopher Wilson: That's great. Thank you. Denise? Oh, sorry. Marilyn, then Denise.  
Marilyn?



Terri Agnew: Marilyn? This is Terri from staff. I don't see your mic active at this time, or have you joined on the telephone? So to activate your mic, on the top tool bar select the telephone icon and follow the prompts. Or you can chat me your phone number. I'd be happy to have the operator dial out to you.

Marilyn Cade: Let me try this again.

Christopher Wilson: There you go. Thank you, Marilyn. We can hear you, Marilyn.

Marilyn Cade: Okay. I just wanted to comment about the - two things. I think it's really important to focus on - during the Copenhagen meeting, to focus on the engagement with two elected Board members. And I know we're focusing right now on intersessional, but I just want to go back to our planning that engagement, doing it thoughtfully, coming up with questions, and sending them out early.

The second point I wanted to make is, during the BC private session, I think it would be really important if we could arrange to allow members to sign up ahead of time to be able to not just observe, but contribute to that session. So but ask that to be explored.

And then my final comment, I'm a little concerned about - I think it'd be really great, and I support, Susan, your suggestion. But I'm wondering if - look, I've know Jamie for many, many years. I'm not making a critical comment, but I am saying I'm very familiar with his background and expertise.

Compliance is a completely new assignment for him. Should we be sending him those questions ahead of time, so that he could draw on other resources as well? Just a question.

Susan Kawaguchi: I would be fine with that.

Christopher Wilson: Yeah. And, Susan, this is Chris. I think - in fact, I think - and Barbara, you can correct me if I'm wrong. I think ICANN staff would be interested in having all participants in the intersessional that have questions or concerns they want to raise -- both, frankly, with Jamie and Goran and others that are participating -- ahead of time, so they can prepare and plan, and so it's a constructive dialogue. So I think that's already in the works.

So, Susan, to that point, yeah, if you can get Barbara and me, you know, what you'd like to raise sort of as, I guess, almost as soon as possible, certainly by the end of the week ideally if you can, or at least something, and then we can - you know, if we have to add some more next week, we can do that, but that we can get to Rob Hogarth, that they can sort of put it in the queue, that would be great. Okay, Denise?

Denise Michel: Thanks, Chris. Barbara, regarding the meeting planning for the next ICANN meeting, did the CEO or ICANN staff respond to the myriad of complaints and requests regarding how poorly structured the Hyderabad meeting was?

You'll recall us sitting through a half-hour or so of many, many complaints about that meeting structure, and I sort of lost track of whether all of those were responded to, and what are your feelings (unintelligible) staff has taken those on Board, and the support and meeting planning for Denmark will be different? Thanks.

Barbara Wanner: Gosh. And, Chris, please jump in. I don't recall from the CSG planning meetings we've had to date that that issue has been addressed specifically. You know, I think there has been a lot of effort put into - you know, for example, there have been scheduling snafus and trying to reconcile requests

for meeting at this, that or the other time. But if appropriate, we certainly can raise that in today's call, and see what sort of response it evokes.

Denise Michel: Sure. I think just the discipline of - you know, of having staff go back and review and make sure they respond to the key issues that were raised by the community will just further reinforce the need to act differently, and will give the community more confidence that they were listening and actually taking the problems and recommendations on Board. Thanks.

Christopher Wilson: So, Denise, this is Chris. Let me - to your point, I think - and as you know, there were a variety of concerns that were raised. I think the number one concern or the primary concerns that I know from the SO/AC leaders' point of view was the fact that there were too many high-interest topic sessions during the course of that meeting.

And that caused - inherently caused a lot of conflicts, meeting conflicts, and issues and concerns for all participants, including the CSG. I think with regard to that issue, you know, Tanzania and Nick Tomasso and the meetings team, I think, took to heart those concerns.

And there was an attempt made to - sort of with collaboration with the SO/AC leaders, to winnow down the amount of high-interest topics that will be sort of brought up in Copenhagen. So we won't have eight in Copenhagen. I think we're going to have three to four. And that sort of, to some extent, takes - helps to alleviate some of the scheduling conflicts and other concerns.

I can just say anecdotally with - you know, though I'm - the BC's not organizing the CSG activities for this meeting, it certainly seems less problematic, for scheduling purposes, for this meeting than it was for the ICANN meeting in India. And I think a lot has to do with the fact that there's

just not as much - not much being thrown on everyone's calendar for this meeting as it was for India.

So I think at least with - that issue, I think, was received and tried to be dealt with by meetings team. And I think we've made some progress there. But if there are other specific issues that aren't related to that, you know, then let me know, let Barbara know, and we can see what we can do.

Denise Michel: Yeah. So I think if you...

Woman: Chris...

Denise Michel: ...would simply just ask staff to - and you could break this with the CSG, so it could be a CSG request, since other CSG constituencies were also at the mic. There was about - I don't know, it seemed like 20 people with a variety of concerns and recommendations. So the suggestion here is for either the BC or the CSG to formally ask staff to respond to all of the meeting-related issues that were raised at the mic and online in Hyderabad. Thanks.

Christopher Wilson: Thanks. Marilyn, you had a comment?

Marilyn Cade: I want to endorse Denise's comments. I appreciate your suggestion, your comment, Chris, that it was mostly about high-level events. But actually that's not - that wasn't the basis of most of the complaints and the concerns raised. And so what I posted in the chat is, staff should be instructed to review the substantive comments. There were many.

I was participating remotely. Sometimes that's an advantage, because you really focus. There were lots of concerns, and it wasn't just the number of high-level events, but also the length of the session; the fact that the overall

meeting schedule is not meeting the needs of the community. And that was represented in many of the comments.

So perhaps we could urge the staff to review the public mic detailed comments, and come back with a response rather than just saying -- which was said to me by the head of the meeting group -- oh, we've already scheduled all the meetings, Marilyn, so we can't change. That's not the right attitude. And I think the CSG, or at least the BC, needs to take seriously the 20-plus comments that were made.

Christopher Wilson: Thanks, Marilyn.

Barbara Wanner: Marilyn, by length of the meeting, you mean the fact that it extended to like eight days? That is was just the meeting itself was too long?

Marilyn Cade: Well, Barbara, if you just look at the comments made, there were concerns expressed about the four-day meeting. The concerns were about the trilogy of meetings, and whether they are meeting our needs.

So holding a four-day meeting, then holding an eight-day meeting, it's very difficult for the community to do their work with the breakdown of meetings. So it's more than too many days in Hyderabad, but too few days at another meeting, right? It's the balance.

Christopher Wilson: Yeah. Thanks, Marilyn. And this is Chris. I'll just simply say - we're running up against the hour. But, you know, I think there's always been a little bit of consternation -- and it's not just about the India meeting -- about the new meeting formats, right? The notion of the policy forum in the middle of the year, and how that affects the other meetings.

You know, that issue - you know, I think people are continuing to be concerned about it, I guess how it all was playing out. Last year was the first year where we had the new setup. And my guess - and I think that it's fair to say in my - just listening to what the meetings team has talked about with SO/AC leaders is that they're open and receptive to tweaking things.

I don't know if there's going to be a wholesale change coming. Certainly not this year. I think maybe if something happens, it'd be 2018 as far as moving away from the shorter mid-year meeting.

But, you know, I think that there's an ongoing - I know from the SO/AC leaders' point of view, there's an ongoing discussion and dialogue with the meetings team about these issues and the scheduling and so forth. So it's clearly on their radar screen, and will continue to be this year and next year as well.

With that, maybe, Jimson, if I can go ahead and turn to you, I know we've only got a few minutes left. But if I could turn to you for a brief update from finance and operations? Jimson? So, Jimson, I see you're in the chat, but I see you're - can you hear us?

Jimson Olufuye: Can you hear me?

Christopher Wilson: Yes, go ahead.

Jimson Olufuye: Can you hear me now?

Christopher Wilson: Yes.

Jimson Olufuye: Okay. I lost my voice call, so I had to switch to the PC. Well there's the budget requests date has been extended to February 10th, so we have to (look at any changes) we need to make, and a request was sent to the list earlier (today).

Secondly we're mentioning to members that (Marilyn) and I will be participating this year (CSTD) working group meeting in Geneva last week. So, we attended the meeting and it was a successful meeting. A number of GAC members were there. And thank you to Phil, for the discussion with many of the things (that were discussed in) Workstream 2. So next meeting is for me at 3:00 to 5:00.

Then lastly here on (Outreach), I would like to appeal to our members in Latin America to take up the charge like (Nivaldo) thank you for the completion of the materials (to Portugese). But we need to take it to the next level for (if possible). So also for Asia, that has been for FY '17. So I know the chair...

Christopher Wilson: Jimson, I think we have lost your audio connection. Jimson, I'm afraid we lost your audio. Considering it's just about the top of the hour, perhaps you can send an email to everyone with a brief update. That would be good if that's possible. Terri, if you could relate that to him, that'd be great.

Why don't I go ahead and wrap up? There's not too much more on any other business, other than noting that our next meeting's going to occur on February 23, not normal two-week period, because ex comm will be in Iceland for the intersessional, the end of the intersessional on February 16.

And frankly because of time zone issues, it's just easier, I think, to go ahead and postpone one more week, do it on the 23rd, and at that point we can

provide a more robust review for folks about the intersessional and how things went.

So next meeting will be in three weeks rather than two weeks. Other than that, I have nothing else on my end. Are there any issues that folks want to raise and discuss?

Jimson Olufuye: Yeah, Chris, can I quickly finish up?

Christopher Wilson: Sure. Okay, great. Thanks, Jimson.

Jimson Olufuye: Yes. Well sorry I (dropped from a power cut). So, I was talking about outreach in Latin America for appealing to (our members) there. Perhaps it would be something FY '17. Thanking (Nivaldo) for the transmission of (Outreach) material to Portuguese.

(So, Outreach) for Asia, so we (have one event pending) FY '17, so it's (and I know the) Chair of (the Outreach) committee (has done) a lot of work to get (it done) As a quick reminder. Thank you very much. That's it.

Christopher Wilson: Great. Thank you very much, Jimson. And thanks, everyone, for being on the call. We'll look forward to some of you perhaps participating remotely for the intersessional, but certainly look forward to talking to everybody in a few weeks. So thanks very much. Terri, we can stop the recording.

Terri Agnew: Excellent. Thank you. Once again, the meeting has been adjourned. Operator Marissa, if you could please stop all recordings. To everyone else, please remember to disconnect all remaining lines, and have a wonderful rest of your day.



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