

**ICANN**

**Moderator: Chantelle Doerksen  
February 23, 2017  
10:00 am CT**

Coordinator: Excuse me, recordings have started.

Chantelle Doerksen: Good morning, good afternoon, and good evening. Welcome to the BC member's call on February 23, 2017. On today's call we have Steve DelBianco, Hibah Kamal Grayson, Jimson Olufuye, John Berard, Barbara Warner, Lawrence Olawale-Roberts, Jay Chapman, Andrew Harris, Chris Wilson, Andy Abrams, Cecelia Smith, Alison Simpson, Denise Michel, Tim Smith, Phil Corwin, Marilyn Cade, Marie Pattullo, Alex Deacon, Isabel Rutherford, and Susan Kawaguchi. We have apologies from Beth Allegretti and Andrew Mack.

From staff we have myself, Chantelle Doerksen.

I'd like to remind all participants to please state your name before speaking for transcription purposes. Thank you every so and over to you Chris.

Chris Wilson: Thanks, Chantelle. Chris Wilson here. Welcome everybody. It's been I guess a few weeks since our last call and a fair amount's transpired in that time,

including the intersessional last week in Iceland, which Barbara can provide some information about during her report.

But in the meantime, why don't we go ahead and turn to Steve and the policy calendar. I know we've had some activity on the list on some comments we're filing so it'd be good to close the loop on that. So, Steve, to you.

Steve DelBianco: Thank you, Chris. This is Steve DelBianco. And I do think the policy calendar piece of this call today will be less than 25 minutes and leave time for Jimson and Barbara to cover their topics as well. Channel one in the policy calendar, let me focus on only one item, which is new, since the last call we had on the 2nd of February, and that's the first item.

We had an excellent reply I think to AFNIC's concern about not enough French speakers in the BC, in particular French speakers on the executive committee. And that was filed on the 3rd of February. Then the comment period ended for the BC charter public comment and there were four other comments posted. And when in Iceland I discussed with Rob Hoggarth on ICANN staff the process he would use to take on those - take those comments on board and send them to over to the ICANN board.

And he welcomed direct response from the Business Constituency to inform how he would present it to the ICANN board for them to consider the BC proposed charter. To get that started, I worked with Andy Abrams, who put together a single doc that had excerpts from all of the comments and included draft responses from the Business Constituency.

Last night, Andy Mack and the members of the outreach committee also contributed several bullets, and Andy Abrams is going to compile those in with the document that's the first attachment on today's policy calendar. So

let's open a queue on the draft BC response to the comments on our charter. It's attachment number one to the policy calendar circulated two days ago and again yesterday. Andy, thank you again for pulling that together. And I think it's a pretty strong response, particularly on outreach.

John Berard, I note that you're on the call and we did also address your comment as well. And the Registry Stakeholder Group comment was quite curious because they pointed out that resellers, that is to say domain name resellers, in a relationship with registrars find themselves without a place in the ICANN GNSO structure.

Because they're not contract parties directly, they worry that resellers would not be part of the Registrar Constituency so therefore they have to land in the bucket called the BC. And we are pushing back firmly on that to suggest it ought to be the registrar's charter that get modified to accommodate their resellers who are operating under the same contractual terms that the registrars are. I do hope that we'll be able to push back on that.

Andy, is there anything you want to bring up with this group in particular that needs response?

Andy Abrams: I don't think so. I appreciate the response from the outreach committee. And otherwise, yes, everybody can take a quick look at the letter to make sure we're not missing anything. I think that's it.

Steve DelBianco: Okay. Before I go to Marilyn, I'll let you all know that Rob Hoggarth indicated that he would welcome it if it got to him soon by the end of February and that's why we'll have - we've got a ten-day review period to allow you to comment on that. So I intend to send this to Rob Hoggarth. I don't think - I don't know for sure whether it will be posted on the public

comment website but it will be a public document on the BC policy and correspondence page.

Marilyn Cade, go ahead.

Marilyn Cade: Thanks, Steve. I just want to compliment everybody for the great work. In particular I want to compliment Jimson, myself, and a few others for submitting the update on the outreach. But I wanted to comment here about this issue about if you're a reseller you belong in the BC as opposed to in the registrar constituency.

And I wanted to comment because I actually - in 1998 I actually paid the fee for -- from my budget -- for AT&T to apply to be a boutique reseller. They eventually withdrew and chose to help launch the BC. They picked their poison, so to speak. Now these things are a little different here and I think our charter actually addresses this effectively.

If less than a certain percent of your business is from a contracted party, then you can be a BC member. If you exceed the percentage, then you need to find another home. And I do think we should be encouraging the registrar constituency to be open and inclusive just as the registry constituency has had to show some inclusiveness to, for instance, the brand registries. I don't know if you want to spend a lot of time on this but I think it's important to say it's not us, there're other options. And yes, we are open...

((Crosstalk))

Steve DelBianco: I wanted to point out that on Page 5 of the first attachment, we have an entire paragraph saying pretty much what you just said. So would you be so kind as to take a look at that text and see if you want to offer any edits to it? The first

thing I'll note is that you make a very good point that if a reseller has less than 30% of their business as a reseller, they could still apply for BC membership. So, Andy, I'm going to ask you, let's make an edit on Page 5 so that we indicate that resellers who have less than 30% of their business as a reseller are eligible in the draft charter that we already put out.

Marilyn Cade: Yes, Steve, I'm only going -- it's Marilyn -- I'm only going to say that, you know, I think we should say in our proposed charter. I think we'll be approved but let's just say in our proposed charter.

Steve DelBianco: Thank you. Any other comments on our response on the charter? Great. And, Marilyn, I do think that's your line, if you don't mind muting. Thank you very much.

That's all for the channel one. If we move to channel two on open public comments, and you can just scroll down on channel two, you'll note that the first one up is the release of another set of geographic names. I don't mean channel two, I meant to say the open public comments. Sorry about that. We have a release of several .brand TLD registries that want to release geo names at the second level. Andy Abrams, again, thank you for drafting the BC comment.

I circulated that on the 7th of February to give us the full 14-day review, and that comment period closes tomorrow on the 24th. It was the second attachment on today's policy calendar. So I would consider today to be the last chance, the last call if anyone has any edits to the attachment two. Going once, going twice. Thank you, Andy, very much. I will submit that tomorrow.

The second item on the open public comment is the GNSO's initial report on a PDP working group to come up with curative rights protection mechanisms

for intergovernmental organizations and international non-governmental organizations, IGO-INGO. Phil Corwin's the co-chair of that working group and has been leading it for close to two years now. We turned it over to Jay Sudowski and Andy Abrams, who drafted a BC comment. It's the third attachment to the policy calendar.

This comment is due on the 1st of March. So it's been circulated, we have plenty of time to review, and I do encourage everyone to open and look at attachment three. And while you're looking at that, let me go to the queue.  
Phil Corwin?

Phil Corwin: Yes, Steve, I just wanted to thank Jay and Andy for taking the lead on this. And I've been remiss. I said I would weigh in on the draft. I've just been so buried since getting back from Reykjavik but I will get some comment back on that before the close of business today.

Steve DelBianco: Phil, thank you. When you do, reply all so that all of our colleagues...

Phil Corwin: I shall.

Steve DelBianco: ...and I - imagine, yes I imagine you can do a track changes markup and if you don't mind, please use the attachment to the policy calendar. That is the more current version, the most current version.

Phil Corwin: Yes I just downloaded that from your last e-mail that you sent out on the policy calendar. I'll use that version.

Steve DelBianco: Thanks, Phil.

Phil Corwin: You're welcome.

Steve DelBianco: Let's turn to Susan.

Susan Kawaguchi: So just a really brief comment and, Phil, you probably already know this. But we were on a call with NTIA yesterday and I think it was Fiona, it was a little hard to tell who was speaking at the time, that is obviously very concerned about this and kept reiterating well this is government business and so the government should decide this. And I'm not quoting her exactly.

But she also made the comment that the recommendation to use 6ter, and I have not followed this issue because you're so deeply involved in it, Phil. Is that - she said that 6ter does not work for the U.S. government. So I was wondering was that a recommendation that the working group put in their report or am I misunderstanding what she was saying?

Phil Corwin: Let me - since I wasn't on the call, I'll explain it as best I can. First of all, there is -- and the fact that NTIA's involved and is taking this position concerns me somewhat -- there - I think you all know that there's a - going to be a moderated discussion facilitated by Bruce Tonkin between the GAC and Council regarding the whole range of IGO and Red Cross issues, including this one. The first - that's been set. There's a two-hour call next Monday afternoon, the first call of that group. And then I think there'll be another meeting in Copenhagen.

But there are background documents prepared for as background for that group and there's a draft that's been prepared. It says USG and GAC, which takes the position, it has a sentence in there which implies that IGOs have absolute immunity. And this is the crux of the problem is that we halted our working group for a year to locate and get a expert legal opinion from an expert in international law and what the scope of IGO immunity actually is as

opposed to what they were claiming it is, and it's much more nuanced than that.

And ICANN has - so this view that this is strictly a matter for governments, well the fact is that governments, if you go to U.S. courts, IGOs don't have sovereign immunity and so it would be kind of ironic if ICANN was to take a position that they had absolute immunity.

On Article 6ter, all we've used Article 6ter for -- and by the way, U.S. government is bound to Article 6ter both as a signatory to it and as a member of the World Trade Organization, which it also covers so it's doubly - it's doubled down on Article 6ter participation.

All we've done is say that - we tried make things easier for IGOs by saying that if you don't - if you haven't trademarked your name or acronym of your name but you have asserted your Article 6ter protections, which is done by simply sending a letter to WIPO, it's as easy as anything can possibly be, that will suffice to provide you with standing to bring a UDRP or URS against a website that you think is using your name or acronym in a way that's designed to mislead the public.

So it's strictly for standing purposes and it's a way to ease the burden on IGOs. So I'll stop there but we'll see what the U.S. position is but if the U.S. - I don't - if they're saying that only the GAC should decide this and not Council, this is clearly a policy matter and has been identified as such by Council.

Susan Kawaguchi: Yes, and there was a little pushback, you know, that well this is a PDP and, you know, but that comment just kept coming back up that well this is the government (unintelligible). Anyway, I just wanted to give you a heads up.



Phil Corwin: The one thing I'd say in response to that is that if the governments want to take a position on this, one would hope that would be informed by a correct understanding of the applicable law. And frankly, everything I've seen from individual governments in the GAC is based on a wholly mistaken notion that IGOs have some absolute immunity, which is simply not the case.

Steve DelBianco: Thanks, Phil and Susan.

Phil Corwin: You're welcome.

Steve DelBianco: Appreciate that. And, Phil, we'll look forward to your markup on the draft that Jay and Andy have prepared. And I think that (Arinola) also was interested in helping on this too and has been otherwise detained. But (Arinola), please do weigh in because want BC members to have an opportunity to review any edits that you make in time for our March 1 submission.

Moving on to the next one, number three is the draft - go ahead. Yes?

Jimson Olufuye: Just with regards to the question about FIFA and IOC. Do they have any form immunity?

Phil Corwin: Jimson, the IOC, the International Olympic Committee, is not a IGO, it's an INGO. It's not an intergovernmental organization, it's a non-governmental organization. We - our working group went back, we decided that INGOs did not need any special procedure. As private parties, they already have full access to UDRP and URS based on their trademark registrations. And the IOC has lots of trademark registrations.

And the attorney representing the IOC was of the same mind that they should be taken out of the work of our working group, and we went back and had our

charter amended to take INGOs out. So they're a different species of organization and their attorney believes that they already have ready access to curative processes when they need them.

Jimson Olufuye: Okay thank you.

Phil Corwin: You're welcome.

Steve DelBianco: Thank you. Number three on the list is the draft report from the independent consultant's review of the At Large and ALAC. And there is a distinction. At Large is the community and ALAC is their council, similar to GNSO and the GNSO Council. That is item three on the policy calendar under open public comments. They close the 24th of March; we have a lot of time, but we're going to need it. There's an awful lot in this report.

It's a highly critical report because let me just quote. The consultants say that what we have found about the ALAC is in equal measure promising and a cause for concern. They say there are concerned that the At Large community is often perceived to be run by an unchanging group of individuals, whose commitments of acting in the interests of end users is sincere but who have struggled to make end user input into policy advice processes a reality.

And this is by one of the consultants. They go through a rotation at performing these external reviews of different ACs and SOs at ICANN. The next one of GNSO where we live will be 2019, and that review was a large subject at the intersessional in Iceland last week. We'll cover that later on. But at this point, this is a substantial report, and to make it easy to comment on, the consultants and ICANN staff have prepared a template that we'll be able to use to put our replies in.

There's a hyperlink to the template in the policy calendar that you can see. I think that'll it make it a relatively simpler task for the BC to get our arms around this. And I wanted to note that our commentary on the ALAC review is going to be introspective as well. We have the same issue in that there are millions of global businesses. I know there are billions of At Large users, but there are millions of businesses and billions of Internet users of business websites, and we in the BC represent them all.

So if this comment is a little too unrealistic of how one solicits input from billions of people, I think we may want to note that in the BC's observation because what goes around comes around, and this is likely to be something that's discussed with respect to the BC as well. So we do need a volunteer to help draft replies for the template and we have some time but we do need to get a volunteer lined up on that. And it would be outstanding if that volunteer had a little bit of familiarity with the At Large community or the ALAC. Let me pause there and see if we can get a volunteer.

Anyone on here who has been part of At Large?

Tim Smith: Steve?

Steve DelBianco: All right. Go ahead.

Tim Smith: This is Tim Smith speaking. I don't have very much experience with At Large but did engage with them a couple years ago on an issue. I don't know that I can lead this but I wouldn't mind participating in it.

Steve DelBianco: Tim, thank you very much. Lawrence, fantastic -- Lawrence Olawale-Roberts as well. If the two of you can take a stab at going through the questionnaire, and I wouldn't answer it online, I'd answer in a Word Doc that we can

circulate for further BC members to comment on. So that's fantastic. I'm glad we have at least two volunteers, Tim and Lawrence. Any others?

Ari I note that - Ari Giovenko is on from the Internet Association. And, Ari, this might be a good one to jump in with. Tim and Lawrence are experienced. I'll be assisting as well. And with the Internet Association's broad reach of users, of Internet business websites, this might be one that you might enjoy taking a look at. So I'd encourage you to jump in.

All right, let's move to the next one, it's number four. Thanks, Ari. Number four is not due until the 10th of April. It's a long ways off but it is going to take some doing. This is the draft report from the Workstream 2 group looking at transparency. And this is Workstream 2 that came out of the IANA transition on ICANN accountability. Chris Wilson, our chair, was co-rapporteur of the group. Barbara Warner and Hibah, you were both either observers or participants on that group.

It's a substantial report and it includes recommendations that the BC put forth in 2014 regarding the ICANN's need to be transparent about its specific interactions with government, which in the previous regime, the Fadi Chehade regime, we had a lot of direct lobbying of governments by ICANN management and the board. And we wanted to shine a light on that. And that's made it into this recommendation. So I think at the very least we're going to want to support that.

Now Chris was the co-rapporteur, so I'm not going to ask Chris to lead the BC comment but, Chris, I'm pretty hopeful that you'll be a resource if the BC's comment is seeking - or the drafters are seeking (unintelligible).

Barbara Warner: Steve, you're cutting out. We can't hear you.

Steve DelBianco: I'm not sure what I can do about that but, Barbara, thank you for filling me in. Chris, do you want to say anything about the draft report?

Chris Wilson: Sure. Thanks, Steve. This is Chris. Two things. First, Barbara actually was - not only did she sort of participate, she actually was a contributor to the draft itself and in fact as responsible for drafting the whistleblower - the premise of the whistleblower policies and the recommendations so thanks to Barbara for her work. And of course my co-rapporteur is Michael Karanicolas, who did a great deal of the heavy lifting on the recommendations with regard to improving the DIDP, documentary information disclosure policy, as well as transparency of board deliberations.

My major input I guess was regarding the BC's recommendation, as Steve noted with regard to transparency of ICANN's interactions with governments, and happy to speak to that obviously and the rest of the document. But suffice to say I think the goal was to provide the community a little more insight into ICANN interactions with governments outside of the traditional ICANN government interactions regarding sort of ongoing policy work and administrative issues within ICANN.

So they're not talking about, you know, a conversation that occurs in the hallway of an ICANN meeting the governmental representative and ICANN staff regarding a PDP working group for example. I think the goal here is to - was to sort of provide some transparency into interactions outside of that world. And so hopefully that recommendation captures that goal. And obviously I welcome the BC's thoughts on that and the rest of the recommendations.

I think it's a pretty thorough report. My co-rapporteur, Michael Karanicolas, is an expert in this world, so I think we've benefited from his knowledge and

expertise but obviously, you know, we want the community's input and welcome further thoughts. So I do commend people's attention. You know, this is the first real substantive work product from the - out of the Workstream 2 subgroups really.

I know that jurisdiction's got a questionnaire and some other work that's been put out for public comment but I think this is the first real sort of full report and recommendations that have been put out. So, to some extent, it's important that the community - we get this right because it's sort of the leading edge of the Workstream 2 work product, generally speaking. So I appreciate Steve putting it on the calendar and look forward to - happy to answer any questions. And if I can't answer any questions, then I'm happy to put BC members in touch with Michael, my co-rapporteur, who can answer the questions too. So thanks.

Steve DelBianco: Thank you, Chris. I hope you can hear me. I wanted to note that Workstream 2 recommendations, like the one we've just discussed, carry a lot of weight when it's approved by the community and sent to the ICANN board. The ICANN board would require a two-third votes to reject the recommendations, at which point they're be a negotiation with the working group and then another two-thirds vote if the board didn't then adopt the modified recommendations.

This carries a higher bar than almost anything else that comes out of a community working group for board adoption when it comes to ICANN's transparency and accountability. So the work of these Workstream 2's are going to come at you for the next several months in a variety of ways. This is all summarized at the very end of the policy calendar.

All right thank you. I want to turn it over to Philip and Susan for GNSO Council recap. I've noted in here that the last meeting was February 16. There's a transcript and agenda and a link to the motions that passed. Phil and Susan?

Phil Corwin: Yes thanks, Steve. Phil here. And in regard to the topic we just finished, the comment on the transparency report, I have participated in that working group. I don't have the bandwidth to take the lead on drafting that, but I'd be happy to be a contributor to whoever develops an initial draft. So you can put me down as half volunteering for that one.

And on the council, Susan and I were on that call for two hours last week in Reykjavik. That call started right after the end of all the CSG and BC stuff on Thursday morning. We did adopt one resolution, which was a resolution to confirm that the modification to the procedure that implements the Whois conflicts with privacy law policy recommendation is consistent with the intent of the policy recommendation. And the council discussion on that was -- what's the word I'm -- very cooperative. There was broad consensus and the - it passed by unanimous vote. So that one was done rather readily.

On other items, we confirm the continuation of the GNSO Chair's term is interim. GNSO also represented the empowered community. We discussed proposal to limit the scope of the upcoming (ATRT3) accountability and transparency review. And there was general agreement to have a more limited scope, which was consistent with the position that we took for the BC. We discussed charter for GNSO standing selection committee for selection of GNSO representatives and nominees to future review teams and other ICANN structures.

I don't remember anything significant coming out of that discussion. Do you, Susan on that?

Susan Kawaguchi: There's definitely push back that it should be at the SG level and not the constituency levels for people per, you know, members, Councilors participating on the selection committee. So, we're still pushing that one. In fact, I owe an email to the thread to push that agenda a little bit more.

Phil Corwin: Okay. Thanks for adding that. We discussed selection to GNSO nominees for the second RDS review team. I'll let you speak to that one, Susan because RDS you have unchallenged expertise on that one.

Susan Kawaguchi: Well, I don't think there's much to say about that one yet because they've extended the comment I mean the application period to March 7th. There's also a proposal to limit the review so it's a broader proposal than originally, than the first proposal. That's being sent out to all of the current candidates and new candidates to make sure that they know what they're signing up for.

And just in the review teams in general yesterday on this call again when we were on the call with the (NTIA) there was concern by the government that any sort of proposal to limit review is negative in their opinion, that they would have a hard time defending the transition or some - they didn't say that exactly but that was their point, that you know, those review teams came out of the affirmation of commitment and felt like the spirit of those should be adhered to.

So, we're going to have some pushback from I would say US GAC members if we agree to limiting the review teams. And she said they especially called out the (ATRT3) on that.



Phil Corwin: Yes. I'll expand on the ATRT discussion in council. We wound up agreeing not to amend the policy but simply as not being a good (unintelligible) but simply suggesting that those on the review team kind of self-limit so that we weren't actually changing the policy statement. And that seems satisfactory to everyone.

It's interesting that we're starting to run into so many headwinds with the NTIA on some of these issues. But then again, as Marilyn pointed out in the chat and as I responded, there's no head of NTIA right now and we have no idea who the administration will nominate to be the new NTIA administrator or whether its position on - there will be any substantial alteration in regard to its position on ICANN or the positions it takes within the GAC. So, we're kind of in an interim period for the NTIA at the moment.

We had a discussion in council on the need to appoint a new GNSO co-chair for the CCWG on auction proceeds. Jonathan Robinson had been the GNSO co-chair. He voluntarily stepped down because a substantial portion of the monies that will enter that auction proceed fund will come from the resolution of the dispute over who will control dot web and Afilias is one of the three parties involved in that dispute along with Donuts and VeriSign. So, he thought it was appropriate that he step down from that position.

And we discussed - I think we're going to issue a call for volunteers for that to replace Jonathan on that group, which is going to be making recommendations for the disbursement of a great deal of money -- well over 100 and possibly over \$200 million in funds.

And then we spent a bunch of time just reviewing the schedule for Copenhagen and looking at what our workload was going to be there. And then there was a discussion.

We had gotten a letter from the Thick WHOIS Implementation Team describing a number of privacy law developments and how the IRT has considered them. And that they informed us they don't expect the developments to affect the timeline for the transition at Thick WHOIS.

And we had already discussed that letter at our last meeting and Erika Mann had circulated a draft council request for an update on the legal review that had previously been done on this question. And I think my recollection is council agreed that updating that legal review would be useful as we go forward on this. Is that your recollection, Susan?

Susan Kawaguchi: Yes.

Phil Corwin: Okay. And that was it for last week and the next council meeting will be in Copenhagen and the working session and of course I think the regular kind of open review of issues, which has been held over the first day and a half traditionally before the formal opening of the meeting.

But at this meeting, we're compressing it down to one full day on Sunday for kind of that open (unintelligible) discussion and update on various issues and meetings with various other parts of ICANN. I believe it's all going to be on Sunday in Copenhagen rather than on Saturday. On Saturday, there's a number of PDP working groups having long open working meetings.

So that's it for council. Any questions on that?

Steve DelBianco: Yes, Phil.

Phil Corwin: Yes.

Steve DelBianco: Myself and Marilyn Cade are in the queue.

Phil Corwin: Okay.

Steve DelBianco: If you'll just hit mute...

Phil Corwin: Thanks, Steve. Go ahead.

Steve DelBianco: Somebody's getting a lot of...

Phil Corwin: Ask your question.

Steve DelBianco: Yes, thank you. With respect to the limited scope for the ATRT3, I also ran into headwinds from NTIA a year ago when we revealed the community did not want to do in parallel a full-blown ATRT3 at the same time that six of the work stream two projects were directly on accountability. ATRT3 could not be a full scope review. We don't even have the volunteers to do both. And the worst case would be conflicting recommendations that come out of it.

So the community itself is solidly behind the idea of limiting the scope of just this review. And we haven't changed the bylaws where the scope of ATRTs are now defined. They're no longer in the affirmation of commitment. They're now part of the bylaws.

So, I think we just push back on NTIA, that they seem to be stuck on a principle of this notion that unlimited scope review can't be explained, but it can be explained. We are doing more for accountability than we've ever done before. They just need to learn to tell the story better. So, let's push back hard on that.

And then Susan with respect to a limited scope on the WHOIS, it's because of the parallel work on RDS. So, that's a story we have to tell at the bottom up community based decision that we don't want to tax our volunteers more than is reasonable and we don't want to have overlapping and conflicting initiatives at the same time. So, let's push back on that and not really worry too much about what NTIA is saying. Thank you.

Phil Corwin: Yes. I agree, Steve. And maybe once there is a new NTIA administrator, it'd be a good idea for BC leaders to seek a meeting and have an exchange of views with whoever that new person is.

Marilyn, you have your hand up?

Marilyn Cade: Thanks. I see that Chris prepared I speak under AOB but I need to speak now, I think. And then I'll be dropping off.

There's a front side chat to recognize Glen de St. Gery who this is all about to me the council and the great work she's done. I just wanted to be sure Phil you and Susan had an opportunity to mention that event on Saturday. Others who've been involved with Glen for many years will be speaking.

But I think the big issue to me is making sure that the council and the BC know about it. So, I'll just turn that back to you and then I'm going to have to drop off.

Phil Corwin: Okay. Thanks, Marilyn and I think we all have as much esteem as anyone can have for anyone in regard to Glen. And if my schedule permits, I'll certainly be at that event. I've got a pretty jammed schedule that day but I'll try to come by. Denise?

Denise Michel: Thanks, Phil. I want to agree with Steve's comments regarding the ATRT3 review. I agree substantively with it, but I think it's an important distinction here is that the community either through the (VCCSG) GNSO Council should provide guidance and their recommendations for the focus or scope of ATRT3.

But it would in my view be inappropriate for any chairs or other elements of the community to try and dictate what the community review group focus on. Their responsibility in my view is to follow the bylaws, but the bylaws don't empower the GNSO Council or the work stream to chairs or anyone else to unilaterally limit this ATRT3 group.

This also extends to other of the former AOC reviews. In my view, it also would be inappropriate to preemptively limit the WHOIS review or the SSR review or the others before the community group gathers together, considers what their responsibility is under the bylaws and then proposes what their workplan is.

I don't think these are mutually exclusive. I think the review groups can easily avoid duplication and follow the mandate contained in the bylaws and I would support the BC dropping or joining guidance that essentially spells that out.  
Thanks.

Phil Corwin: Okay. And thanks for that, Denise. I note that Steve has put some responsive remarks to you in the chat room, so. And I'm sure you and he and other BC members can continue this discussion.

Seeing no further hands, I'm going to I guess Susan and I will step back and then we can get onto the next item, which is the CSG stuff on the agenda.

That's you, Barbara.

Barbara Warner: Okay. I'll go quickly since time is running out. Everyone, I provided an in-depth report for you. And I'm not going to repeat it line by line. I welcome your perusal of it and I'm happy to answer any follow-up questions that you may have.

I'll just say generally I think that we would all agree that the intersessional went fairly well. There was no sugarcoating of the divergences within the house that occasionally pose problems and challenges to consensus building and unanimity on issues.

But I would suggest that to you and my impression was that at the bottom line, there was support for continuing the intersessional process as a means of nurturing the non-contracted party house in areas where we do agree -- in particular concerning the need for transparency with respect to ICANN governance and compliance actions. On that point, there was broad agreement among all the participants in the room.

There was also questions about the timing -- you know, is it necessary to have an intersessional every year or perhaps we could do it every other year. But I think also there was also a concern about the location of these intersessionals and choosing a location that would enable greater face to face contact with key ICANN staff, including the CEO and the new Director for Compliance and so forth.

We met with Goran Marby virtually. I'm just going to give my own views that I felt that that meeting was not really great for technical reasons. There were

problems hearing him. Some of us were getting kicked off the internet and so forth and so on. So, I think that is one of the reasons why there was support for choosing a location for these meeting going forward that would better enable direct contact with him going forward.

But having said that, the CSG was able to make the points with him that were important to us. Chris' point concerning the need for prior consultation with the community on pending negotiations of contracts rather than sort of soliciting comments post facto, which for all intents and purposes could not alter the agreement. He also heard and understood the importance of our point about giving the communities space to resolve disagreements on proposed changes to the new GTLD Registry's Base Agreement rather than driving the process from the staff level. So, we made those points clearly with him.

Also, Renalia was in the room and I think heard and understood what we were driving at. But as I said in my view, it was a bit of a frustrating opportunity for engagement with him.

I would say the big takeaways Steve summarized very succinctly in the document that you got last night. There was considerable discussion about what we will do to fill so-called board seat number 14 -- which is the GNSO non-contracted party house representative to the board of directors. Currently, that is Markus Kummer. He has indicated that he would like to run for a second term, so he would run as the incumbent. And Matthew Shears of the Center for Democracy and technology was also put forward as a candidate.

Just going on recent email traffic within the CSGX COM we are actively soliciting recommendations of other people who would also want to throw their hat into the ring. We are having to compress what ordinarily would take 21 weeks into 10-1/2 weeks to get this done by May 3rd.

So perhaps there will be further discussion within the BC how we want to approach that and who we want to put forward as our consensus recommendation for further discussion within the non-contracted party house.

The second big takeaway -- and I'll also defer to Jimson on this -- but a lot of interest in forming a working group or a drafting team or whatever you want to call it to look at budget issues. And one of the reasons being that if any sort of budget issue - if the empowered community wants to challenge a particular budget decision by the board, that we would have sort of a drafting team in place that could quickly tee up that action and draft relevant text to do so.

And then there was another expression of keen interest in forming a working group to shape the terms of reference -- Steve referred to this earlier -- for the 2019 GNSO review. Interestingly, there was cross house consensus on the importance of engaging the contracted party house in this review of terms of reference also so that it would be - we would have a consensus of both non-contracted and contracted party houses concerning the terms of reference for this third party GNSO review.

So, that is it for the moment for the intersessional meeting.

Secondly, I just wanted to point out that we were able to move forward. This was an initiative that Denise actually advocated and we followed through on. We realized CSG consensus on a letter to the board concerning the process that goes into planning high interest topic sessions at ICANN meetings.

And as it turns out, our submission of this to the board was timely because we're already encountering difficulties concerning a hit being planned on data protection for ICANN 58, which is not being approached in a multi-



stakeholder manner. So Greg Shatan is currently in intense consultations with the organizers of that session. But the fact that we have this into the board I think puts us on record as underscoring the importance of this being driven through the multi-stakeholder process, not by one interested party.

And then finally concerning the ICANN 58 schedule, I sent that out to you all last night. I would say the important thing for that is we need by the 7th of March your ideas of topics that you want the CSG to explore in our meeting with the board as well as in our meetings with the registries and registrars.

But most important, we need your suggestions for topics for that board meeting by the 7th of March.

So, I'll just hold it there and invite and questions from people. Thank you.

Chris Wilson: Thanks, Barbara. This is Chris. I'm not seeing any questions. I just want to thank you for your report that you sent out to everybody. I hope everyone can get a chance to take a look at that. It's very thorough and provides some I think good insight into what was discussed.

One other quick thing I'd add I guess, I think maybe Denise suggested asking you or Marby about the status of the CSG letter on data metrics and getting better insight and transparency in metrics. I raised that issue with him on our interaction and he first explained that, you know, he was hoping to improve the time between receiving a letter to the board and himself and responding to that.

And secondly, he said that a response was imminent. So, hopefully we'll see that in the next few days or so, we'll get a response from the board with regard to that CSG letter. So, I wanted to flag that for folks.

Susan, I see your hand raised.

Susan Kawaguchi: Yes. Thank you, Barbara. Your comprehensive report was great. And just so everyone knows, I sat next to Barbara during a lot of the sessions and she was typing like crazy. She was on top of it. And I really appreciate the report. It's very thorough.

One of the feelings I came out of this intersessional was that we shouldn't let the NCUC or SG sort of dictate as much on the planning of these intersessionals. My understanding is that originally, the intersessional came out of a desire to have direct contact with ICANN executives and that was sorely lacking in this meeting. I think it's always good to try to get along with the other side, but we could do that in different avenues. And I don't think getting along with, you know, meeting with the NCSG is as critical as having transparency with the executive staff at ICANN.

And so, I'm just, you know, when there is a decision to have another intersessional, I think we either insist that they provide a certain number of execs at the meeting, or we all go to LA so we cannot be avoided because the primary focus of this should have been interaction with the executive team. And that was not. That was extremely lacking in my opinion.

Chris Wilson: This is Chris. Thanks, Susan for that. And I wholeheartedly agree with you. I tend to try to make those points during the planning phase and just didn't seem to resonate with enough people. But I think based on what transpired in Reykjavik and elsewhere that we had sort of limited engagement, hopefully people will see the light and will recognize the importance of focusing on that -- that we get the most bang for the buck when we have those healthy interactions with staff and management.

Susan is that in old hand or new hand?

Susan Kawaguchi: New hand, just one more...

Chris Wilson: Yes.

Susan Kawaguchi: ...comment. And so we may need to, you know, pull a play card from the NCSG and just say no, we're not going to participate in that. But, the CSG will all show up in LA for a two-day meeting. And that's the way it is. I mean, just play a little hardball with ICANN staff and just say absolutely not. It has to be more inclusive of the exec team.

Because that's, you know, it just seemed like we're going to try to get along and, you know, well we'll probably never get along but we'll always work together, you know? Or maybe we do get along. But that, you know, we just need to come in much harder. And that's not a criticism on your working on planning this, Chris. It's just I think we need to be more assertive.

Chris Wilson: Yes, agree. Thank you. Thanks, Susan. Any other questions for Barbara about anything she's reported on? Seeing none, maybe Jimson I'll quickly turn to you and then I can wrap up. Jimson? Jimson, are you connected? We can't hear you if you're speaking. Chantelle is he still on the phone? I'll wait for just give Jimson a second.

Chantelle Doerksen: Hi, Chris. It's Chantelle. One more moment, please. Hi, Chris. It appears Jimson was disconnected and it looks like the Operator is dialing him back. Jimson, are you back on?

Jimson Olufuye: Yes, I'm back on.

Chris Wilson: Great. Jimson, why don't we turn to you.

Jimson Olufuye: Okay. This is Jimson speaking. I will get cut off where I was online for one hour, so maybe we can do something about that.

Well, I'd like to thank Barbara for her reports. Very comprehensive. And also to note the issue of Compliance and abuse very key as we discussed with Jamie. And it was some of the top (for some of us as) that it should be able to follow up because it's one of our key points to the Intersessional. I think we need to write these up in CSG going forward.

And Barbara yes, we did talk about the budget. There was a small working group or small draft team. As you said, yes this with respect to the Empowered Community and move forth to exercise our rights and power. So, I chatted on the team with Ed Morris, I chaired in session with Morris. And it turned out that (it's only the) BC to have the standing budget committee or finance committee, which is something good for us. It's a good structure we have with BC.

So going forward, if there's anyone that's interested in the budget issues or finance issues, they can still be joining in the group. But just to say that we have a good structure in place, which (others want to emulate).

So secondly, from the Memberclicks, this year we want to plan to use Memberclicks for the invoicing and work with the (BC) to buffer the process. So that's (it) with regard to the invoicing process (which) is going to be (Memberclicks). But so far so good (with Memberclicks). Thank you very much, Chris, that's it.

Chris Wilson: Thank you, Jimson. Thank you very much. Any questions for Jimson? I don't see any. So just real quick wrapping up last minute here. We'll do our next meeting actually on March 13. We'll wait until we get to Copenhagen. We'll have our private meeting on March 13 at 12:15. It'll be a lunch meeting. And then our public meeting will be on March 14 later that afternoon on the 14. I think Barbara sent around to everyone that list of meetings, so please look again in your email from yesterday and you'll see that the BC meetings. But we won't do a call two weeks from now. We'll just wait until we get to Copenhagen and have our meetings then.

So, that's it for me. As far as any other business, is there anything else from folks they want to raise? Okay. Not seeing anything, then I look forward to seeing hopefully many if not all of you in Copenhagen in a few weeks. And safe travels to those that are going. And look forward to talking to you there if not via email. So thanks all very much.

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.

Chris Wilson: Thanks.

END