

ICANN
Transcription ICANN Johannesburg
GNSO Commercial and Business Users Constituency (BC) Open Meeting
Thursday, 29 June 2017 at 12:30 SAST

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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Technician: Thursday, June 29 at ICANN 59 at 12:30. This is GNSO Commercial and Business Users Constituency open meeting in Ballroom 2.

Chantelle Doerksen: Testing, testing. This is the Business Constituency open meeting. We will beginning shortly. Also for those in the room, there will be a sign-in sheet going around just so we can follow up with you after the meeting. So we'd appreciate you signing in, thank you.

Andrew Mack: Are we ready? Great, Chantelle, we can begin when... Tell me when we're on. Okay, great.

Good afternoon everyone. Thank you very much for joining us. My name is Andrew Mack. I'm the chair of the BC. It's an honor to be here with you and representing you as part of the ExComm.

As you may know, I am the new BC chair, and it has been a rare pleasure to have the chance to work with the excellent BC ExComm that we have right now. For those of you who are new to the BC, you are well represented by some really smart and really dedicated people and I wish to honor them at this point.

I'd also like to send a special thanks to the many BC members that participated in our outreach event on Sunday, which we did as part of our ongoing outreach work to try to increase our visibility with new members, especially new members in the global south.

We had a number of BC members who came and spoke and spoke very, very well. And I encourage all of you to continue to do that. That has been a very interesting - we got a lot of very positive response from a number of members of the community about that, including some members who weren't able to attend. So thank you all for your participation.

Given that we have a very short time and that we have an awful lot of things to cover, I'd like us to dispense with running around the room and introducing ourselves and dive straight into our agenda if I could. And with that in mind, I'm going to hand the mic quickly to Zahid Jamil who is a BC member and the next chair of the NomComm.

Zahid Jamil: Thank you. It's great to be here. Thank you so much. I am a member and you probably haven't seen me in the last two years because I've been stuck in the NomComm getting things done. And this year I'm chair-elect and hopefully next year chair.

I just wanted to come here and I have to run back actually to the NomComm. But I want to take this opportunity to thank the BC for having sent such an excellent representative from the large business community to the NomComm. It helped in the last phases, the most critical phases, where you might not have had somebody representing from the BC.

So I just wanted to say thank you and also to point out that Cheryl Miller not only has been an excellent member, that's the only reason I'm here is to say that she's been so good at her work that not only has she filled the shoes of Paul but she's actually taken the workload of other members on at times.

And she's done remarkably well, so I just wanted to let you know it's just a way of trying to give appreciation to Cheryl and thank the BC for doing so.

Please do keep the NomComm and how you send people next year as one of your priority agendas. Thank you very much.

Andrew Mack: Thank you. Thank you Zahid for your service and now I'm going to pass the mic to Steve. Got a policy calendar that has got a few things on it but jump right in.

Steve DelBianco: Chantelle, can you bring up the policy calendar please? You may have each received one of these yesterday when I circulated it to the entire BC list. And Philippe I think I sent one to you as at least one of the newcomers that I wanted to be sure that you had it. And (Maria) I think I sent one to you as well, right?

Okay but the rest of you have it, and if you open that PDF it'll be easier to follow on your computer than it will looking up at the screen. This will be a relatively quick run-through for the policy calendar. Let me try to see if we can get it in in time to make room for Jonathan Zuck to come in and give a brief update on the Consumer Trust, Competition and Choice Review Team. And then we'll have other items to cover on the second half of the agenda.

Since we last met, the BC filed three comments. On the 18th of June we filed on the draft framework of interpretation on human rights. The BC had several members that were active on that Work Stream 2 project, and that made it easy to come up with a comment focusing on the BC's priorities.

Hibah Kamal-Grayson and Andrew Mack, let me thank you for leading that draft. We got that in on time.

On the 20th of June we commented on releasing geographic names in six new brand gTLDs. The BC's commented on many of those in the past, and

thanks to Andy Abrams for pulling that together and putting it in. The BC continues to maintain that brands should enjoy wide discretion at the delegation of second level domain names with geographic significance.

On June 11 we responded to a survey. So this wasn't an official ICANN public comment period but was part of the Work Stream 2 project on making improvements to ICANN's diversity at all levels. This is a Work Stream 2 project that's headed by Sebastien Bachollet, who's visiting as a guest today. So we answered that survey on diversity and put that in.

Chantelle, why don't - make a reminder, let's put that survey response on our communications and positions page because while it wasn't a formal public comment, I would still want members to be able to find that if they went to look for it.

All right, now let me move to the part where we discuss current open public comments. There are only a few that merit discussion here today. The first is the public comment on changes to the procedures on handling WHOIS conflicts with privacy laws.

There's a proposed set of next steps. And when WHOIS conflicts with privacy law has been a major topic here. This particular public comment was written before we had I think the acute awareness of the GDPR coming out of the European Union or China and other governments that have similar measures.

This has been a long-standing position whereby registrars and perhaps even registries can appeal for waivers if the contract requires them to do things that are in conflict with privacy laws that apply to their registrants in the business operations.

So ICANN is looking for input on this alternative trigger to invoke the procedures, the procedures for getting a waiver. We had Cheryl Miller

drafted a comment. Now Susan Kawaguchi, you made some edits the other day which we circulated. And Cheryl as the original drafter was completely in agreement with your edits.

Chantelle has that document, that PDF document which we can load if we want to go through it at all. This would be a great opportunity for members of the BC who want to weigh in on that because it's a comment period that closes next week, the 7th of July.

We won't be having another call before then, so it would be ideal. Susan, do you feel any need to walk through the edits you made to Cheryl's document? Okay. BC members, any of you have questions or comments on the BC comment? Use the microphone, right.

Susan Kawaguchi: Susan Kawaguchi for the record. I think it was just to clarify that, you know, it wasn't a blanket yes or no, you know, that could be, you know, a variation of opting out. And wanted to make sure that the actual government authority had that authority to make that decision and say that it was a violation of their law, so - you don't want the tax - or let's use Stephanie's example - the dog catcher's saying oh you can't serve - you know, have WHOIS served publicly, so...

Steve DelBianco: Thanks Susan. I'll note that the...

Susan Kawaguchi: Didn't say that very well but...

Steve DelBianco: In the final paragraph, Susan, you had a text that Cheryl accepting suggesting that we urge that as part of this procedure the alternative trigger process have a requirement for a registrar or registry to propose solutions to rectify the perceived inconsistencies with national law as opposed to an outright request for an exemption.

The way we have urged that, a requirement for them to propose might be strong. The most we might be able to suggest is we would invite them to propose a requirement or require them to propose a requirement if any because in many cases I think a registrar seeking a waiver for a GDPR this time next year is not going to be able to modify their own systems to any significant degree if they can't obtain consent.

I don't really know for sure if we can make it a requirement. Are you aware of others that are discussing an idea for this solution proposal as part of the waiver request? In other words, where did this edit come from? First to Susan and then to Denise.

Susan Kawaguchi: It's something we could do, thank you.

Denise Michel: Denise Michel with Facebook. I know there are a number of ongoing activities and plans and discussions. To be clear about what we're commenting into, the procedure is done. They're asking for comments and then we'll consider these comments at the end of the year.

I think in terms of putting a marker down for the ongoing conversation it's useful as it's currently worded. And then we'll have this whole discussion again in October. And by then I'm hoping we'll have clarity on some of the operational plans as well as the, you know, (GDPR) plans and all of that and we can revisit this point. So I would support moving forward with this statement making sure that come October we put this on our agenda again. Thank you.

Steve DelBianco: Thanks Denise. Anyone else in the queue on this? For clarity, this is the attachment to the policy calendar, the very first attachment to what I sent yesterday. It's a Word doc including edits that Susan made to Cheryl's original draft with regard to the trigger.

So the last paragraph is the one that Denise and Susan and I have been discussing where we're suggesting that the one seeking the waiver should also propose what if anything they can do to follow the law as opposed to just simply asking for a waiver from ICANN's contractual obligations.

Susan thanks for your work on that. We will do a last call on July 4 and if no one comes up with anything more I'll file that on the 7th.

There's another comment due on the heels of that on July the 10th and it's for a proposed implementation of the GNSO recommendations that were made two years ago for protecting the intergovernmental organizations and international non-governmental organizations. We always abbreviate that as the IGO and INGO. Think about Red Cross, UNICEF, groups like that.

And there was a GNSO policy development with respect to protecting those identifiers in all gTLDs. And we filed extensive comments on that two years ago. Now we have a policy implementation team and there are no BC members on that team. For as good as our volunteer ranks are we can never seem to find enough people to be on everything.

So in a related matter we had Andy Abrams, Jay Sudowski had done comments on that. But at this point we're looking to try to get comments done. Now Alison Simpson with MarkMonitor is going to do an initial draft. Phil Corwin, Andrew Mack, and Jay Sudowski had indicated they would help.

And that initial draft we should see over the weekend, and we'll have to turn it around relatively quickly. Now remember this document - I'm at this point soliciting some other volunteers who can help with this. It is only a nine-page document. We are only looking at three non-controversial parts of dealing with this recommendation.

In other words, we're only looking to get three recommendations that the GAC was okay with. They have to do with the DNS label conversions, the

claims notices that are done to the registrants who attempt to register a domain name that hits the list and updates to the IGO identifier list. So these are the non-controversial items.

So what would be essential here is for BC members who are familiar with the brand protection concerns, trademark claims and label conversion. It's a great opportunity for the BC to suggest ways to improve this implementation. And it may be that we just simply approve it.

Any other volunteers that want to join Alison, Phil, and Andrew? Lawrence would you like to do that? Fantastic. Then I'll add you to the distribution when I get that draft from Alison. Thank you Lawrence. Any others? Great, thank you.

Next item on policy calendar Channel 2 is not due until the 31st of July. It's the framework for the registry operators to respond to security threats. Denise in particular I'm looking for you to think about this one because of the relation to the Security, Stability and Resiliency Review Team where you're a co-chair.

And so at least at this point of the year, your mind is focusing frequently on SSR issues. And it might well be that if you were to examine this framework we'd have a better idea about areas of concern to the BC. One of the key mission statement items for us is security, stability, and resiliency.

Now this is pursuant to the fact that registries, registrars, and the GAC's Public Safety Working Group, they collaborated for two years to produce a draft framework. And it's mainly a framework on how registries will meet the obligations under Spec 11 in the new gTLD registry agreement.

And these are obligations with respect to monitoring for security at the registrants in their domains. Spec 11 was big on obligations and a little short on implementation. So this is an attempt to try to come up with a framework

for how they can do that. I'm not sure if it is responding to security threats as opposed to proactive monitoring.

The BC was not anxious to support proactive before the fact monitoring. But we did endorse the Spec 11 concerns on SSR. So I'd be looking for a volunteer at this point to work on the examination of the framework and the drafting of a BC comment. There's plenty of time. We have over a month. Susan, you'd be interested on that? Go ahead.

Susan Kawaguchi: Yes I would. I'll take the lead in drafting that. I looked at that yesterday and it's not a very long document really. I want to reach out to a few people that worked on that to see, get some nuances on it. But I was hoping - that's why I was asking Marilyn if Adetola was here because Adetola is a new BC member and he's anxious to get involved and work. So I'm going to recruit him to help draft. He asked for my advice. I'm giving it to him.

Steve DelBianco: Thank you Susan. Denise interested in getting engaged on that one too?

Denise Michel: You're correct the security review team is also - it will be looking at this and I'm happy to help if needed.

Steve DelBianco: Thanks Denise. There were no BC members involved in that collaborative group because it was just registries, registrars and the GAC public safety working Group. So this is the first time we've even discussed the Spec 11 implementation. Any other questions on that one?

Particularly those of you running - who are part of companies who are running a whole collection of gTLDs for which Spec 11 is relevant -- I think about Amazon and Google -- to the extent your colleagues on the registry side of your business have highlighted issues on how this Spec 11 is going because we'd like to get some intel on the debates that went on inside of that collaborative group so we understand where the controversial points are because we're coming into this blind actually.

So Andrew, perhaps you and Stephanie ask your colleagues about whether there's parts of this framework that need close examination or that are controversial, okay? Thank you very much.

The only other one here on the list was the operating procedures and ICANN bylaws. And these are a set of changes that are necessary for the GNSO to be able to exercise its rights and responsibilities when the Empowered Community gets activated as part of the transition.

I chaired that drafting team so I'm very familiar with the items and would be happy to take the pen on the initial comments from the BC. That's not due till August the 10th, so I don't think I need to go into any more details on that.

Okay, moving beyond the open public comment periods let me mention there ICANN launched a new task force this week. And it's to document the current uses of WHOIS. Without regard to whether they are intended uses, proper, improper, troublesome, it doesn't matter. The point is to document the current ways in which WHOIS is used.

And if we do this quickly and do we do it efficiently we ought to be able to use that as ICANN management approaches – one second Marilyn, I'll put you in the queue – as ICANN management approaches European data protection authorities to consider whether an exemption for WHOIS could be obtained.

And I know that our CEO believes that through his relationships, some charm and perhaps the gravity of the consideration he's going to be able to pull that off, and I hope he does. But just in case, we need a plan B. And we do have in the audience tonight Becky Burr, board member who is I think leading the board's effort on trying to come up with other considerations.

We may for instance have to document the legitimate uses of WHOIS which then give rise to a procedure that we can be compliant with the GDPR. The

whole point of this is to be sure that WHOIS doesn't go dark. I've heard a few dramatic expressions of that. And also to be sure that registrars aren't - and registries aren't faced with prospects of large fines by simply following their contract.

I don't think it's reasonable to ask them to do that. They won't do that. And WHOIS won't go dark, but it just goes gray. What do I mean? It turns into proxy registrations. A third of the gTLD space today has proxy. And if the only answer that a registrar or registry had is to flick the proxy we could see that double to where a substantial majority of registrants' information would simply be proxy.

And I think that is a significant departure from what the current uses and expectations of WHOIS are. So I'll take a little bit of a queue on that. It would be good to gather BC thoughts on it. Now when this task force was formed earlier this week, Theresa Swinehart of ICANN staff asked BC's executive committee and chair for a name of a BC member who could attend a meeting yesterday afternoon at 3 o'clock.

Your executive committee met and we quickly determined that Susan Kawaguchi would be the ideal choice. Susan chaired and worked on not only the expert working group on WHOIS but also the very first and second WHOIS review teams. So Susan accepted that responsibility and you attended that meeting yesterday so I'd love to hear a report on that as well.

But Marilyn was in the queue first and then we'll go to Susan. And I'll try to keep track of the queue.

Marilyn Cade: Thank you. As the – Marilyn Cade speaking – as the resident historian of the work on WHOIS, I want to just mention something that I think should really be taken into account. And then perhaps Susan you could think about how to encourage it be gained.

For two years I chaired the first WHOIS task force. We didn't have working groups then, so the first WHOIS task force. And we did an extensive study on the uses of WHOIS and documented the uses of WHOIS at that time.

We met twice a week for two hours, so that's four hours a week. And I paid to transcribe all the calls. There were 30 to 40 participants in that task force and there were repeated public briefings on - with PowerPoint slides and including a final report.

So I'm not suggesting that everything be dumped into this group but at least the final report which showed - and we were basing many of the same problems then - efforts to close WHOIS, change WHOIS, etcetera. I think it'd be good to just at least get the final report from that task force.

And it should be in the archives of the DNSO so Glenn can help to find it I'm sure or others on the staff. But it is archived. And it would give you at least one document that shows the - because we documented at that time - remember 2002, it's a very long time ago. But we document various uses like law enforcement, consumer protection, etcetera.

Steve DelBianco: Got it, because we are not going to dump a pile of documents on the task force. We're not going to dump a pile of documents on the European data protection. We need a table listing uses. So to the extent that there's a table in there that is different than the table in the annex of Susan's document, let's try to look at that. Susan are you aware of the document Marilyn's speaking of?

Susan Kawaguchi: Yes. So we had actually...

Steve DelBianco: Go ahead.

Susan Kawaguchi: ...used that report in the EWG which Denise led. And then the RDS we have - oh I don't know - thousands of documents. We've pulled every

archive. So we have that for reference and I also think Marika probably did that for the task force.

The difference here is that some of that work isn't in the right template form. And so Becky had explained that yesterday. And I'm hoping - I didn't get an e-mail on the template, the revised. Okay, perfect. So we will have a form, you know, a template and format that the task force is requesting. And then we can take all of those known use cases that we've been working on for years.

But I invite all of the BC members to really think about any use case. Let's have some duplicates. It's fine. We'll figure that out later. But there may be nuances that, you know, are new, we missed. And so more the better. And once I receive that e-mail, I'll send that out to the whole BC and we can keep this very organized. So hopefully - and we have a short time frame for this. It's July 15.

Steve DelBianco: So the compilation and the completion of this is by July 15? Susan, what's the intent then to take this compilation from your task force? Are you going to look for public input on it at all or will it go directly into the European Commission negotiating process?

Susan Kawaguchi: I think we should take advantage of Becky being here.

Steve DelBianco: Becky Burr?

Becky Burr: No? Okay, I'll come over. So the point here and the goal is to make this a completely neutral process. What we want is to create a set of user stories that are essentially as a law enforcement authority I use these data elements whatever they are for the following purpose, again as specific as possible. And there could be multiple purposes.

As a rights holder, I use these data elements to identify individuals who might be infringing my intellectual property rights. And the goal is to allow the users, the stakeholders who use this data, to tell their own stories.

What we will do is collect this. As Susan knows we've said share it far and wide. We'll take these user stories from anybody who has a use. We are - we've agreed that we're being specifically non-judgmental about the legitimacy of any use or whether or not something is or is not PII.

So it's really that those categories of users who have a stake in use of this data will have the ability to tell their own story. We'll compile them. If there are duplications or contradictions or redundancies or whatever we'll go back to the providers of that input and ask for example, you know, IP rights holders, you guys who've provided this input, please reconcile - please decide whether something's a duplication.

Maybe we've missed it, whatever. So it's all - users control their own destiny. Once we get this, and hopefully we will get it quickly -- and that's why we're really shooting for July 15 - what we'll do is we'll put the document out for review. And the questions will be have we missed a user category? Have we correctly stated the purposes? Have we missed a purpose? Do we have the data elements right?

Get that back, modify, compile, whatever. And then what we would do is two things. One is to get input responses from legal experts. It's not going to be like a legal opinion that everybody - we're not creating any kind of attorney-client relationship here. But, you know, information that's available, what the legal experts say about it, they might help us, you know, tweak some of the user stories as we go along.

Then we will go to the data protection authorities and we will try - what we're hoping is that they will help us go through the balance that they will do. What are the legitimate interests of the data processor? How do they balance out

against the privacy rights of the individual data subject? What are the safeguards that are needed?

All that will be completely transparent and publicly available. You know, there's no secrets here. So the point is a data collection exercise that enables us to get actionable legal advice and concrete responses from the data protection authorities to go beyond the "it depends" responses that we got -- that the RDS PDP Working Group got -- from the data protection authorities coming out of Copenhagen. So it's taking that to a next step.

Steve DelBianco: Thank you Becky. In the interest of recognizing that ICANN has all kinds of interests, you can be sure that there will be some user stories logged in there from Web site develop and hosting firms who use WHOIS to spam me with e-mails the minute I buy a new domain name.

And that may or may not be a legitimate use of WHOIS. And it's annoying but it's probably going to make it into your table because your table is going to contain all uses of WHOIS without judgment about whether they're proper.

We're likely to get input if we ask for public input. We might get 10,000 because they have a pretty good army of privacy advocates who 10,000 will use it to say that they use it to discover the name of someone behind a domain name in order to invade their privacy in some way.

So this is ICANN. All voices are here. How will you reconcile that if there's a grass tops effort to flood the public review period with illegitimate uses of WHOIS?

Becky Burr: Well, so first of all, I mean what we're trying to do is, you know, is to get public comment on the document compiled and say have we missed something. Frankly, you know, my view is if someone wants to say their use is to publish every IP record on, you know, freeway overpasses, let's put it in

the table and let's get the DPAs to tell us what they think about whether that's a legitimate use or not.

I think it's important and I actually think it's a very interesting thing that because of the ground rules we're seeing, we get to get a little bit beyond the things that take us down rabbit holes here in our 20-year WHOIS saga.

Steve DelBianco: And did I hear you say correctly that if you did get several hundred of the same kind of a user story, you have the discretion to consolidate that to one?

Becky Burr: Yeah, I mean, I think we go back to volunteers and sources of this to say have we got the consolidation right? We don't - we really want users to be in control of their own stories here. But if, you know, if there's silliness going on - or we can put them in as an appendix. I mean, we're going to focus on what we think.

Now I mean there are some ICANN rules that say you can't use WHOIS for spamming, and that's actually been tested in court. So I think it's pretty easy to deal with those.

Steve DelBianco: Okay, thank you. I really appreciate that. We have two more in the queue on this and I'm done with the primary part of the policy calendar. But Susan we are going to turn to you in a moment to talk about at least the one motion that was approved in council yesterday. But that won't be too long. We have Denise and then Erika Mann. Go ahead, Denise, Erika Mann and then Alex Deacon.

Denise Michel: Thank you. Denise Michel with Facebook. Well thank you Susan for serving on yet another WHOIS task force and thank you Becky for helping to facilitate this effort. I think it is long overdue and I hope it'll be helpful.

The conversation with Göran and Theresa at the CSG meeting – was it yesterday or the day before – was informative as much for what they knew as well as what they didn't know.

I'm concerned that Göran is not aware that the GDPR applies in very specific ways to ICANN itself. I'm concerned that Theresa seemed surprised that WHOIS uses and case studies had been developed by the community almost for a decade.

I'm concerned that the data elements that were distributed in the task force were incomplete. So I have a topline concern about the knowledge base on staff to handle this issue. That leads to a concern about I guess those individuals interacting with DPRs in Europe on this effort.

And that leads me to a suggestion that the community have more transparency and be more involved in this process. I would like to see a wiki page immediately put up with a membership of the task force, the mandate of the task force, the process, the steps that'll be taking.

I'd like to know who the internal GDPR task force is on staff, who it's comprised of. I'd also like to see transparency with regard to staff engagement with the contracted parties on the GDPR since this is an issue that affects all of us.

And I'd like further discussion about how strategically and tactically we engage with the European community. I think there's still some topline questions that the community needs to tackle before we take a use list to the regulators and say, "Here, what would you like to do?"

I'd like to understand better the public interest exemption and how that might apply to WHOIS. I'd like to understand the fines that relate to putting false information into the public record. And as we know, the WHOIS is full of false information.

I'd like to understand what it means when the GDPR says you can't withhold service if a person declines to sign a term of service. I think there's other issues as well so I know this is an ongoing conversation and I'm not asking for a response here but I wanted to share that perspective. And I'm glad the BC and others will be engaged in this.

Becky Burr: Could I just respond very quickly?

Steve DelBianco: Thank you - take the next two in the queue because there may be two other things for you to respond to. And Denise if you have that in writing, would you share it with BC private if you have it in writing? I have Erika Mann who's a guest here for the BC today and then Alex. We need to be brief.

Erika Mann: Thank you for allowing me to speak. I share similar concerns than Denise. I think there's a little bit of some kind of misunderstanding how the GDPR works. And I was in the council advocating that we get first a legal opinion and then I think the idea to have these use cases, it's a fantastic one because it helps us then to fine tune our specific concerns.

Why do I think this? Because I think this is an ongoing work in most law firms since years. They did this for many companies and they have the data and the information available. Now it needs to be adopted to our environment, I agree, but it's not like it is something which hasn't been answered yet.

The second thing why I'm a bit concerned – adding new points to what Denise said – it's that keep in mind this new board, this data privacy European data privacy board which will be created, it's still a young baby. It is not established totally. And so to go and to ask for advice in an area which is not less - probably less comments in knowledge-wise, might create in itself difficulties.

Second keep in mind the national data privacy authorities, they still stay responsible in their own domestic areas. So if a case is filed in Germany or a claim comes in in Germany, it's not just one, it's many because it's even in Germany - will be dealt with on the (bonus lender) level.

So these are things one has to keep in mind. You can't just go to the European expect because even if they would say something, the national will follow automatically. So just take a cautious approach, which I know you will do anyway. Thank you so much.

Steve DelBianco: Erika, do your best, do your worst, to get on that task force. With the institutional knowledge you have as an elected official it would be outstanding help. Please try. Alex Deacon.

Alex Deacon: Thanks Steve. This is Alex. I'll be real quick, real quick. So first just FYI I've been selected as the IPC rep to this group so I think we're well covered. But I wanted to reiterate Denise's request that we have this wiki up and have better understanding, more concrete understanding of what the goals are, what the next steps are, who the membership is, etcetera, hopefully today if we can do that. I think that would be very helpful, thanks.

Steve DelBianco: Thank you Alex. And Becky Burr, a quick reply. We don't want to have a whole debate on this session here.

Becky Burr: Okay I don't actually think we have anything to debate. There is a wiki going up. This is not a closed group. It's a group of volunteers who are helping us compile this data. Everybody can have a copy of the information and everybody can file whatever they want. There are no rules. It's an informal ad hoc group.

There is - ICANN does plan to get a legal input. I'm well aware of the issues that you're concerned about. And I wouldn't - Göran, I don't think anybody

should expect ICANN to describe in public what it views its legal liability is under GDPR.

So there are people there who do definitely understand that this is a complicated issue. ICANN is getting legal advice. It has its own internal issues because people travel all around the world. It has a place everywhere.

And yes, anything that we do will be totally transparent. So it's an effort to move us to the next step, get past some roadblocks and hopefully move forward. This has always been a very complicated issue that it's hard to make progress on. And we hope - maybe we're wrong. Maybe it won't move us forward but it's the best way that we think there is to move forward.

Steve DelBianco: Thank you Becky. ICANN is late to the game but maybe we'll finish strong on this one. Then let's turn to Susan and Phil. Susan and Phil, in the policy calendar I summarized the agenda before yesterday's council meeting. And then I sat and watched you guys do your work. I wouldn't think you would need more than a few minutes to summarize for our colleagues what happened at council yesterday. Susan?

Susan Kawaguchi: So we - only thing we really voted on was the process to select an EC rep from the GNSO Council to represent the GNSO. So I'm part of the standing selection committee, which is a committee that we've recently developed on the council to have a very standard process and everybody's represented from the council.

From that we came up with the - we took something that we started down the road of being very difficult and convoluted and came back and said we trust the leadership of the council. Therefore we are leaving the EC rep designation up to the chair and the two vice chairs to determine who's going to represent the GNSO Council. And that was approved and voted on and

we'll have someone from the leadership named to - designated to the EC soon.

James has been acting as the interim rep and he is the only representative that is designated as an interim. So we'll put a more level playing field just looking at it.

The only other thing that came out of our discussions yesterday that I wanted to bring up is on the CCWG Country and Territory Names -- which is getting hotter all the time -- we have Chris Chaplow as a member of that. But that's the only person. And I'm not sure how active - I haven't seen Chris in a while but he may be extremely active on the group.

But we really need someone -- we need other people to be on that group and the BC's voice heard. IPC is very strong representation there. We're just not. I don't know, Phil.

Steve DelBianco: Thank you Susan. I think Phil might have something to add.

Susan Kawaguchi: Yes.

Phil Corwin: Yes I'll add that we had some discussion in council on just something we have to watch out for. And the subsequent procedures group, working group in the course of this discussion announced that in the context of geo names which have become quite a controversial issue, they're going to set up a new Work Track 5 and invite members from outside the GNSO to be members of the leadership of that work stream.

But of course the PDP is still having ultimate control over the final recommendations. This comes up in the context of some pressure from the GAC and the ALAC to make more use of CCWGs on issues which are clearly related to the rules for gTLDs and within the jurisdiction of the GNSO.

And we're just going to have to keep careful watch and to some extent defend the jurisdiction of the GNSO against what may be characterized attempts of other groups from outside the GNSO to move decisions that are properly the GNSO's to cross-community working groups and maintain the relevance of the PDP process.

So just nothing big on that yet but it was an area of concern. Heather Forrest spoke to it at some length and we have to keep watch on it. Thank you.

Steve DelBianco: Phil and Susan, thank you very much. I know you have a wrap-up session later today. If anything happens in the wrap-up session that you think is relevant, please send an e-mail to BC private. Are there any questions from BC members or guests for our counsellors? Susan.

Susan Payne: Hi, it's Susan Payne. I'm a guest. I'm a member of the IPC. It's not a question for the counsellors but it's just a response to Susan's comments about the Cross-Community Working Group on Country and Territory Names. I've been participating in that group for a couple of years now.

And certainly unless anything changes it's my understanding that that group has reached the end of its life. Insofar as it can make recommendations it's made them. On various areas it hasn't been able to make recommendations and so the recommendation was that the group should be wound up.

But I think the country name and the geographic name issue is obviously an extremely live issue. But the place probably where BC members should be exercising their - you know, taking part and showing their interest I would say is this Work Track 5 that Phil has just mentioned.

Steve DelBianco: Thank you Susan. That's it for policy calendar. Back to the chair.

Andrew Mack: Thank you very much. In the interest of time, I'm going to turn the next session over to - oh, excuse me. Marilyn, quickly.

Marilyn Cade: Sorry, I had my hand up to make a comment on this but if you prefer I could just - we could just skip that.

Andrew Mack: Thank you for your understanding. We're just a little time constrained and we want to make sure that we run this in a business-like fashion. So I'm going to turn the chair - turn the mic over right now to Jonathan Zuck of Innovators Network.

He's going to give us a briefing on Competition, Consumer Trust, and Consumer Choice Review Team and their work. Thank you Jonathan.

Jonathan Zuck: Thanks Andrew and thanks all of you for giving me a few moments just to update you. As you know, we published an interim report at the last ICANN meeting and had a public comment period and the BC commented. And so thank you very much for your comments.

We've begun the process of going over them this past weekend in our luxurious weekend retreat here in the windowless conference rooms of the ICANN meeting.

And we will be going and making specific responses and incorporations from those comments in the next few weeks. One of the things that were pending, a couple things that were pending on the report were two outside sources that we're waiting on.

One was a DNS abuse report. And the other was a survey that was performed by INTA of its members to begin to look at some of the costs that were imposed by trademark owners by the new gTLD program.

And so we got an interim version of the DNS abuse report this past weekend and we should expect a final report in a couple of weeks. As you might imagine the DNS abuse report is interesting more so in that there's been a

shift of some abuse activity away from legacy TLDs into new gTLDs, more so than there's been an overall increase.

And so it's sort of like the same characters are just finding a new home. And there's a number of theories about that, the strongest of which is probably related to price. And there's even been some experiments Jon Nevett shared that when they lowered the price on the experiment they found an increase in DNS abuse. And so we're going to see a little bit more definitive sort of inferences from the report in a couple of weeks.

The largest migration if you will is in spam. Spam is now a bigger deal in new gTLDs than it is in legacy TLDs which is fairly significant in terms of the rate of abuse there. But spam is also problematic because spam is not explicitly laid out as DNS abuse in the contract.

So obviously because the illegality of spam really varies from jurisdiction to jurisdiction and so while it can be kind of a gateway drug if you will to phishing, it's more problematic for contract compliance to deal with. So we're going to be looking at some of the practices of individual registries and seeing if some of those best practices are having a beneficial effect and maybe make some recommendations about them becoming global used in that area.

Another interesting tidbit from the DNS abuse report is that there are more malicious registrations than there are in legacy TLDs. In other words, in the legacy TLDs, it's more about Web sites that have been taken over somehow as opposed to things being registered from the beginning for DNS abuse purposes.

And that's measured by basically how much time there is between the time the domain is registered and the abuse begins. And so if it's almost instantaneous you can imagine that's the purpose. So more on that, but that's some information that we'll be incorporating into our final report in addition to incorporating the public comments.

The INTA survey also had some interesting results. Obviously before the new gTLD program there was a lot of talk about defensive registrations and that there would be like a huge increase in defensive registrations. But that turned out to not be the case because it just wasn't tenable in most instances.

There's a few companies that are still engaging in very high volume defensive registration. But what we're seeing is a migration over to more Internet monitoring according to this survey. And so there's still an increasing cost associated with the new gTLD program but it's not so much registrations.

It's about having to spend - monitor more TLDs and then doing things like cease and desist letters and some (ERS) proceedings, etcetera. So in some ways the bar for when to take action has risen because of the sheer volume of the new gTLD program.

And the costs are in the form of monitoring rather than an increase in defensive registrations. So that's something that we're looking at as well and incorporating into our final report.

Big picture, a lot of what the reaction we got is that we made a lot of recommendations and I plead guilty as charged on that. I think that we made the decision to leave the recommendations kind of granular to make it easy for people to respond to them in a granular way. And we'll do some consolidation and some grouping.

We got some recommendations from ICANN.org about grouping that might facilitate implementation, etcetera. Some folks have asked us to re-explain and explore the prioritization we did of them and we'll be doing that as well. And we had a fairly productive discussion with the registries about some of the issues they're concerned about with data collection.

As you know from our interim report, the biggest challenge we face is just the inavailability of data. And that's a perennial problem inside of ICANN and so it's something we're trying to tackle head on and go to the mattresses on, which means that some of these updates, you know, were friendlier than others, right?

But I think that we had a productive ICANN meeting and we've begun the dialogue with all the various constituencies engaged. And I'm happy to take any questions that you have.

Andrew Mack: And first of all Jonathan thank you very, very much for that. Given the time and the hard stop that we have at 1:30, unfortunately I don't think we really have time for any questions. But Jonathan will be around and is a very accessible person I know personally so thank you immensely for your time.

Jonathan Zuck: No problem.

Andrew Mack: We're going to jump really quickly now to quick discussion of the charter. And I would like to mention three things – first of all to congratulate everyone in the BC. Our new charter has been approved. It's up on our Web site. Thank you all for the work that you've done to try to get it working and to address some interesting and some nuances to make us a better organization.

I'm going to highlight three quick things that are new amongst them. The first is in Section 2 on term limits. We insist that we have established term limits. We are like any other legislative body. We will begin – we discussed this yesterday – we're going to begin our discussion of term limits at the point in which the new charter has been approved, which is - so the clock starts now. We urge you to take a look at that.

Second thing, the membership criteria where we have in terms of eligibility we now have a 30% of revenue for contracted parties. That's a change from

our initial practice which I think was 50%. And we now expanded the size of the credentials and finance committees from their current size to five people.

I like to put in a personal as well as a BC ExComm request for those of you that are new members that are looking for ways to get involved, we now have space on those committees. We'd like you to be parts of them, okay? So if you are relatively newer to the BC please consider becoming a part of that.

And you'll learn a lot. You'll help us a lot and it'll be a good and worthwhile use of your time. So that is the charter.

Now it is - it's 1:22. We've got eight minutes. Jimson, can we do a quick budget discussion and a quick run-through on the outreach? And we're going to be out of here by 1:30. Please.

Jimson Olufuye: Yes it's going to be highly abridged. And thanks to the new BC charter, so the ExComm now has the ability and the mandate to approve the budget so Section 2.6.2 ExComm has been mandated to approve the budget. And ExComm did that. That was yesterday ExComm approved the budget.

The budget was usually sent to the list on June 4. So we got feedback from members and updated three times. And the final copy approved by the ExComm has been sent to the list. So that's for information. Thank you very much on budget. Do I have time for the outreach?

Steve DelBianco: Would you consider e-mailing the final budget to everybody after the meeting?

Jimson Olufuye: Yes it's been sent to the list. Just been sent to the list.

Andrew Mack: And if you'd like a couple words on the others.

Jimson Olufuye: Okay, good. On the outreach, you do know that outreach is one of our flagship engagements with the global community. And we had a very successful outreach. That was on Sunday, 25th. We projected for 40 leaders to be there, and we had 41, so good from four ICANN regions, 17 countries in attendance.

And we have prospective members from that outreach. I would like to thank Chris Mondini, ICANN Global - Vice President Global Business Engagement. He engaged us in that. Very good presentation which we share in the social media and it was a good reception.

Also to thank Pierre Dandjinou, Alice Munyua, Steve DelBianco, (Yole Stock), Andrew Mack, the outreach committee, thank you very much, and all those leaders that spoke very, very well at the event. Some of the details will be available on the outreach Web page of the BC shortly. So we're compiling all those.

And also to let you know our Twitter handle is on and live. Please follow our Twitter handle, B-I-Z Constituency, the Biz Constituency. We're also on Facebook so like our page.

I want to take some lessons going forward prepare early and for the ICANN 60. So I want the opportunity to thank you all. Thank you.

Andrew Mack: Jimson, thank you very much. The idea of putting out a Facebook and a Twitter handle was a good one. That was yours if I recall and so congratulations and thank you for that. Thank you all once again for the BC members that participated in that outreach event.

I think we showed immensely well. We showed a lot of knowledge and we showed a lot of openness to the rest of the world and I'm looking forward to engaging as much as we can the new members. Marilyn, please.

Marilyn Cade: Thank you. And may I ask you Andrew if you would – my name is Marilyn Cade – would you perhaps ask for a show of hands? We did meet many new potential members during the BC outreach session. But in addition to that Lawrence and Omar and I have been very active as well as Arinola and Tola and others in the booth.

And there are actually some new potential members that we met in the booth. So maybe just a show of hands so then people could plan some informal engagement.

Jimson Olufuye: Okay, just a minute, sorry. Actually we need to thank Marilyn for that special engagement and Lawrence and the budget committee of the ICANN booth, Omar. Good job. Appreciate that. That's really good. So maybe a show of hands. We have some of those...

Steve DelBianco: Newcomers.

Jimson Olufuye: ...newcomers here. Can you just show hands, show of hands?

Andrew Mack: Fantastic. Rest assured we will be in contact. Lastly for those of you who speak French or for those of you who know members of - potential BC members that do speak French, Marie and Claudia and I are going to reach out and meet with you at 6:30 this evening (Aufrance) just to give you a little bit more of a warm welcome in your language and to hear ((French spoken)).

So just before the - or just around the closing cocktail, people of the BC francophone and we look forward to seeing those of you there. If your French is just high school French you can still come. Thank you all very much. I declare this meeting at 1:27 – oh, please Chantelle.

Chantelle Doerksen: Thanks Andrew. This is Chantelle Doerksen. Just one quick reminder, there's an attendance sheet so we're asking everyone to sign it, especially our guests so we can follow up with you.

And then also to BC members, please take a few of the “Meet the BC” brochures located on the far back table in the room. It’s something that could be included in a follow-up report to your company and also to share with potential members in your network. Thank you.

Andrew Mack: Okay, yeah, thank you. Please.

((Applause))

Andrew Mack: So thank you again to Chantelle for all your support. Thank you Marilyn for all the work that you’re doing on outreach and to the other members of the outreach committee, especially to Marilyn. And we are on time and I think we’re done. Congratulations everyone.

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