ICANN

Moderator: Chantelle Doerksen
April 12, 2018
10:00 am CT

Operator: Recordings have started.

Chantelle Doerksen: Good morning, good afternoon, good evening. Welcome to the BC members call on Thursday, April 12, 2018. In the interest of time, there will be no roll call and roll call will be taken via the Zoom and the phone bridge.

I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will turn it over to Claudia to begin. Claudia, please go ahead.

Claudia Selli: Sure. Thank you very much, everybody, for connecting to today's call. The agenda has been submitted Chantelle shortly before the meeting, so in the interest of time, I will give the floor to Steve for the policy calendar and policy discussions. To you, Steve.

Steve DelBianco: Thank you, Claudia. Start with the channel one, which is circulated in the policy calendar that I emailed to every BC member yesterday. If anyone hasn't received it, you'll have to speak up.

I don't see any hands or chat in the current implementation of Zoom that I'm looking at. So I can't see if people's hands are up. If anybody can tell me how to do that, I'm happy to activate the chat or raise a hand.

All right, so presumably you're all looking at the policy calendar so I'll just quickly cover three, the child since our last call. On April 6, we sent a letter to be ICANN board and the GAC.

I want to thank Margie Milam for drafting that. Paul Mitchell and I made significant edits as did Claudia that focus on the fact that ICANN org has pursued guidance or forbearance from Article 29 on GDPR based on their interim model, while at the same time, GAC and basis pending from San Juan and that advice is very contrary to the model that are seeking in Article 29 advice on.

I did receive a reply from Manal Ismail, the chair of the GAC thanking us for raising it and I learned from a GAC member that on the call with ICANN, ICANN's board and GAC call that was held yesterday, Cherine and Manal both brought up this notion of timing and Goran dismissed that discussion saying we're just waiting on Article 29 guidance.

And that it wasn't necessary to do any discussion, so they had no conversation about that. And just within the last 30 seconds, I did receive guidance from ICANN from the Article 29 working party.

Let's see if I can bring that up during the call at some point and display it for you all. But presumably - Article 29 working party email. They're just saying that they're continuing to work with us.

Copy the letter which is sent to the working party 29 on the 11th of April. All right, if I can figure that out I'll get back to you all on that. Let me move on to the next item.

On April 2, we saw a comment on ICANN's plan to restart the key signing, key rollover. I want to thank Denise Michele and Stephanie wo worked together on drafting an excellent BC comment. Appreciate that.

On April 2, we also filed a comment on the draft procedure that ICANN came up with for allowing a community gTLD to broader registrant's eligibility, in other words, to change the registration requirements that they had proposed for their community gTLD.

Faisal Shah, Marilyn Cade and Andrew Mack helped with that drafting and we got that comment in and it'll be a while before I think ICANN takes action on that.

I also understand the KSK was rolled over yesterday. Can anybody verify that or know anything more? Not hearing or seeing any hands up, thank you. Let me move to the open public comments right now.

We have a current list of six open public comments and a couple of them are due in the next four to five days and we don't have drafts for two of them. So this will be the chance for us to understand whether we are going to be doing anything on these.

First is the screening process for the integrity of board members. As we explained, we were together in San Juan. A few of the board seats that were elected to not require that the board member that we've elected go through and integrity screening process.

And this harkens back to sort of a conflict of interest that was evident with respect to - it was suspected with respect to a board member many years ago. And so some of the board seats go through the screening process.

And the non-com puts its nominees through a screening process. It conducted by ICANN legal so it's not done by the non-com. It's just one that's used by the non-com.

So, I wanted to indicate that I was grateful that we had volunteers. Cheryl Miller, Zahid Jamil and Jay Sudowski who all serve on the non-com, and Waudo and Arinola both volunteered, but despite my requests for follow-up, we don't have a draft yet.

This doesn't need to be a very long comment. It can be a very brief comment suggesting that, yes, we think it should be a uniform screening process and indicate whether we think the process the non-com uses is appropriate.

We only have, at this point, five days left in this comment period. I can't see any hands raised. I've already sent an email to the folks who volunteered. If we don't hear back on a comment, I think we will not file. I'll stop there. Is there anyone - go ahead.

((Crosstalk))

Jay Sudowski: This is Jay Sudowski for the record. Yes, so we talked about this at non-com and I don't think Zahid's on the call or Cheryl, but the sense was that we didn't want to comment on it through the BC or non-com isn't going to comment on it either.

And we had some concerns that the timing of this is kind of politically motivated for certain reasons and targeted at sitting board members and we don't want to really get involved in that.

Steve DelBianco: Jay, this is Steve. I pointed to you and Cheryl and Zahid, it's mostly to get insights on what that process is, the one that is used by non-com and the BC members themselves, Waudo and Arinola and I, would come up with a BC comment about it.

So I wouldn't have your names on it in any event. But I would appreciate any guidance we can get on that that process is and whether you think it's an appropriate process.

Jay Sudowski: Yes. So, I mean, ICANN legal thinks it's an appropriate process which is why we do it, right. And the process is kind of a black box to us. You know, we go through the selection process, the selected candidate - or, well, candidate and an alternate and they both go through this due diligence process.

But we don't really know what it consists of. I mean, we've been told it consists of, you know, criManal records checks and education verification, employment verification and the basic common-sense thing.

But we don't know to what extent or what degree. Evidently there's some of these - you know, they are pretty expensive to do so hopefully it's rather detailed. But we don't…

((Crosstalk))

Steve DelBianco: No, that's - all right, that's helpful. And Cheryl Miller sent me an email along similar lines. And that would indicate that we don't have a substantive knowledge of the processes to understand whether or not it's the appropriate process.

So, at this point, Jay, thank you for that. I think we probably won't comment on this one unless I hear something different from Arinola and (unintelligible). Thank you.

All right, I'll move to number two. Number two is a draft plan for the named collision analysis project. BC members may recall on the 2012 round when we learned about names like (corp, home, male), there are a handful of new top-level domains that would conflict with internal naming conventions that are used in corporate networks, enterprise networks.

We were successful in helping with the SSAC to prevent the release of those top-level domains that have potential name collisions as well as process to monitor for name collisions once new gTLDs were put into practice.

Currently, the SSAC has got a project underway to really analyze and the named collision concerns for the next round. And what they are seeking for now is a comment on their project plan.

Not comment on the substance of the risk of collisions, but on a project plan where, for the first time SSAC will release preliminary results of their project work in order to get a community comments.

And that's obviously a very helpful principle, rather than wait until the SSAC puts out a security advisory memo where they're not actually looking for public comments.

They're willing to seek public comments early on. Stephanie Duchesneau, thank you for volunteering to work with your team at Google in getting a draft together.

This comment close on 18th of April so it's six days away, and I would say that if we have a relatively brief and simple comment and you can get something drafted in the next day, Stephanie, we could expedite the review by BC membership.

Stephanie, I'll turn the floor over to you or any other member that wants to comment on this one.

Jimson Olufuye: Yes, Steve, I (joined the non-com). This is Jimson.

Steve DelBianco: Yes, Jimson, I appreciate that, whether this point, we only have six days, so I'm looking forward Stephanie and her team to give us you one draft and then you and all the rest of us would reply to that if it comes back.

All right, move onto the next one. Number three, it's at the top of your screen, ICANN has proposed a strategy to replenish the reserve fund for operations. And this comment is closed the 25th of April, so we've got some time.

I want to thank John Berard and Jimson for helping me draft the BC comment that we circulated two days ago for BC member review. This is a complex matter about where the money would come from to restore $70 million to ICANN's operating reserve.

And $70 million is under current expenditure level, a 12 month level of expense to cover. That has to be replenished to the reserve because the reserve is probably only halfway funded.

In our comment, we talked about the need for ICANN to generate an operating surplus through good fiscal management so that it contributes something each year out of operations.

So they can't run deficits. They need to run operating surpluses of enough to put money back in. We also talked about the opportunity to take some of the gTLD auction proceeds and use that to replenish the ICANN reserve.

And we talked about unused money from the new gTLD operating budget from 2012 round. That comment, then, has been circulated or BC members to review. I'm happy to take questions about what we proposed in there if any BC members want to ask about it now.

I'll note that in the draft that we prepared, we identified multiple projects that might fit with the charitable purposes of the auction proceeds. And there are projects in there such as doing the research necessary to increase the DNS sect deployment.

There was data missing and determining the KSK rollover. We talked about increasing universal acceptance of the new gTLD names, in particular, those with scripts and languages other than a Latin script that still don't get acceptance in applications in email.

We talked about trying to increase the resiliency of the root server system should be attacked with a distributed denial of service threat. These are examples of projects that certainly contribute to the resiliency of the unique identifiers but they're not projects that should be or must be managed for ICANN.

I would suggest to you, though, that it's relevant to the reserve fund because if we used auction proceeds for these purposes, if they were deemed to be appropriate, then ICANN org doesn't have to spend funds on those projects.

That should increase the likelihood that ICANN can generate the operating surplus we said they need in order to start replenish the reserve that's been drawn down. Any questions or comments on that proposal? I look forward to discussions on this than.

Okay, three other open comments. Number four was a proposed change to the bylaws for the additional GNSO voting thresholds. This has to do with how the empowered community will exercise its decision-making and nominating and reactions to the brand-new ICANN bylaws we put into place.

We've been very active on that project and I worked with Barbara Wanner to draft a BC comment. That's not due until 5th of May. We also have a new review of ICANN's nominating committee.

So, if you recall that every five years, the ICANN bylaws mandate that ICANN conduct an independent review of its ACs and SOs including the non-com.

And that review has just been concluded and the draft report has just been sent out by the independent consultants. Again, we have three members on the non-com and the BCs benefit so much from your insights even if you don't wish to be quoted as drafter of the comment.

We benefit from knowing whether you think that review missed something or the review is recommending things that you don't think will be workable. So I look forward to, Jay, you and Cheryl and Zahid to give us some guidance on BC private.

Lawrence, I wanted to thank you for volunteering to draft that comment that we should look to get something circulated to BC members over the next two weeks. Any other volunteers or comments on that?

Thank you. And then finally we have this whole collection of nine projects that are known as work stream two in the ICANN accountability transition. And several of us in the BC have been very active on those projects.

And now they've been assembled into one giant report with annexes with an opportunity for the community to see whether there are inconsistencies about what's been proposed.

For instance, there might be something in the ombudsman recommendations that would clash or fail to serve a recommendation we made in the jurisdiction or human rights area.

And if those inconsistencies are identified, this is an opportunity for us to reconcile them. It is not, however, an opportunity to bring new things to the table or revise the substantive recommendations since they've already each survived public comment period and revision.

That's it for the open public comment periods. A lot of us in the BC are very attentive to the GDPR compliant model for WHOIS. We continue to fight the battle about why they've pulled the registrant email address out of the public display as part of the ICANN interim model.

We're always concerned about the application to natural and legal persons and geographical application around the world. But lately the focus has been more on the accreditation and access model for the non-public WHOIS data.

In other words, how does one get accredited and then get access to the data necessary to protect business consumers and business users, business registrants themselves to insulate companies from cybersecurity attacks using the DNS where domain names are relevant to both the prevention and the remedy, something like that.

And we have a lot of BC members that are incredibly active on it – Tim Chen, Denise Michel and Margie Milam. I think that the work of Zak Muscovitch has also been very helpful on this. So, BC members are very active. We had a Webinar on it last Friday.

Tomorrow closes the current round of comments that should generate another draft from that, a drafting team, which should come out probably the middle of next week. Are there any comments or questions regarding the GDPR and WHOIS before I turn this over to Susan and Marie?

Okay, thank you. Susan, I think you are our only counselor on today's call, so channel two, I'll scroll up the screen here. Channel two of our policy calendar talks about counsel issues, so Susan, over to you.

Susan Kawaguchi: Thanks, Steve. Susan Kawaguchi for the record. Not much to report today. We don't have our agenda for the next meeting. One positive thing that has come out of - in regards to the FSR2 review team is that it looks like we'll get - we may be able to play Scott McCormick on that team also.

Scott was, you know, obviously part of the BC but was one of our top seven candidates that the standing selection committee had evaluated. There were probably about ten or eleven candidates that were requesting GNSO endorsement.

And he made it into the top seven but, because we already had someone from the CSG, Denise, on the team, it was harder to sort of put as we've done replacement candidates to place Scott.

But the SOs and ACs have agreed that they want all hands on deck for this review team and are adding members and the GNSO council is always prepared with seven candidates at a time.

So we're just waiting for anybody to object to that in the GNSO council, but it looks like Scott will be placed on the team too. And staff was checking with him to make sure he is still interested, so hopefully that - I haven't heard either way yet on that.

So that's a good note. We have another, you know, strong candidate on the team. Other than that, that GNSO council did comment on the GAC advice but really it was pretty light weight and just referred to previous comments.

Other than that, we'll have to wait until the next council meeting. That's all I have.

((Crosstalk))

Steve DelBianco: And, Claudia, I have received directly from Article 29 working party, a copy of the letter that they put into ICANN. I'll put that up under the screen right now very quickly.

The purpose specification is the area. So the Article 29 working party, I hope you can see this and I've also circulated by email to the BC private list. The letter from Article 29 to ICANN dated yesterday suggests that they have remaining concerns about the interim model.

And on the screen in front of you, and this is the first time many of us are seeing it, Article 29 is raising concerns. Now, this letter doesn't say anything about forbearance or a moratorium on enforcement which is what Goran's letter had sought.

And nor does it endorse the interim model. It raises concerns about the interim model. And as each of you open it and we go through it, we're going to need to assess whether these are things that can be remedied or how well they echo concerns that the BC has raised.

So, this is the annex that I was scrolling through. So, I go back to the very front of the letter. It says they are going to continue to work with ICANN but it doesn't say definitively whether they will wait on enforcement in any way.

So, we'll have to digest this letter and figure out what it means. I don't think it's the clear guidance that ICANN had sought. It's obviously going to reopen the consideration of what's in the interim model in the BC is going to work hard to see that it improved along the lines of the BC's positions.

Any comments on that right now? Great. I'll go back to the policy calendar that we had up earlier because the section of that that Barbara Wanner can address. Barbara, this is the chance to look at Channel 3 under the CSG liaison. Barbara, over to you.

Barbara Wanner: Okay, thank you, Steve. I really don't have too much to report from our last meeting other than to say that I did follow through and indicated to other CSG members that the BC supported the draft that was hammered out on March 15 in Puerto Rico concerning NCPH procedures for elections for seat number 14.

I heard back from - I still do not know if the ITC is okay with - you know, for I okay with it. But I did hear back from Wolf-Ulrich and the ISPCP says they find it a viable compromise solution in principle, but they still have the need to discuss more the voting in the context of related bylaw requirements.

So, I'm having trouble getting my mind around what their concerns are and why they keep holding back in terms of endorsing this compromise approach. And then there's also a reference to (right) shaping of CSG and NCSG internal procedures as important.

It seems to me that the CSG has pretty good internal procedures in terms of coming to a consensus on a candidate. So, again, I'm a little bit confused as to what that refers to.

So, long and short, we still don't have - even have a full CSG consensus on this proposal. I welcome feedback from the BC as to how you would like me to proceed.

Do you want me to go back to the ICCP and try and get more clarity on what they mean and what their concerns are? I'm happy to do that.

Steve DelBianco: Barbara, it's Steve. In the meeting we held in San Juan where we worked this compromise out, I remember bringing up the bylaws themselves and there is a section with respect to board seats 14 and 15 indicated the voting that must happen.

The council has to actually designate this person. So, Wolf-Ulrich might be talking about that bylaws provision.

Barbara Wanner: Okay.

Steve DelBianco: And I will revisit that particular language and I'll reply to you and Wolf with respect to that aspect. As far as his other one, this notion that the CSG needs to get our internal procedures down, I believe we could do that completely on a separate track to try to come to agreement with the noncommercial stakeholder's groups because each of our noncommercial and commercial stakeholder's groups can work out our own procedures on that.

It's not as if we have to have that done before we agree on a compromise that serves our interests. Would you agree with that?

Barbara Wanner: I would absolutely agree with that.

Steve DelBianco: Beautiful.

Barbara Wanner: Yes. Yes.

Steve DelBianco: Okay, then I will look at Wolf's. Barbara, go ahead. We'll talk about the cross community topics, too.

Barbara Wanner: No, I haven't been participating in ICANN 62 preparation, so I guess I defer to Claudia on that.

Steve DelBianco: Claudia, right there on the screen, I've indicated that today is the due date for the BC…

((Crosstalk))

Steve DelBianco: And - go ahead.

Claudia Selli: Yes. No, indeed. This was the day for - to bring in the cross community working group and we were thinking about her, of course, typically, (unintelligible) topic and I guess we might probably want to have a cross community section on the - I don't know, the transition model, I guess.

But, I think we want to also discuss with the BC and then introduce the topic. I don't know if you want to add…

Steve DelBianco: Claudia, the due date is today. The due date is today so I think that discussion needs to happen right now or not at all.

Claudia Selli: Exactly. Yes, that's what I'm – sorry, that's what I was suggesting to have the BC comments on this, if people agree to have the cross community session on GDPR and acquisition model or if we want to have a different angle or a different topic.

Steve DelBianco: It might be in addition to it. We don't restrict ourselves to one topic, Claudia, because there are eight slots on the agenda for 62.

Claudia Selli: Okay.

Steve DelBianco: Eight slots that we - we could suggest multiple topics, not just one.

Claudia Selli: Okay, thank you, Steve, for the clarification.

Steve DelBianco: I did speak with the US GAC rep this morning when I try to learn about what happened on the GAC board call and I asked whether the GAC would once again want to cooperate with the BC on a cross community session like we did at San Juan. And at least the US GAC rep thought that would be a good idea.

Claudia Selli: Great.

Margie Milam: This is Margie, if I could get in the queue on this. Hello?

Claudia Selli: Yes, please. I think you are the only one (as far as)…

((Crosstalk))

Margie Milam: Yes, regarding GDPR and the notion that there's a possibility for several sessions, it strikes me that one that continues on the accreditation model development I think would be really useful since we're taking the lead on helping develop the accreditation side from the business perspective, that, sharing the development where we are and getting input, I think would be really important.

Steve DelBianco: Margie, (as you see) from the policy calendar, what Claudia and I had in there was, quote, "Accreditation and access to nonpublic WHOIS data," closed, so I think you're supporting that, right?

Margie Milam: Yes.

Steve DelBianco: Claudia, why do we keep the queue open on email until about 1800 UTC today?

Claudia Selli: Yes. Okay.

Steve DelBianco: For additional ideas, and then you and I can compile them and put them in. So, BC members, 1800 UTC today. Thank you. Back to you, Claudia.

Claudia Selli: Yes. Thank you and, yes, I think it's over to Jimson now.

Jimson Olufuye: Thank you very much, Claudia. This is Jimson Olufuye speaking. I'd like to begin by welcoming Perkins Coie to the BC. They are our latest (member) bringing us to a total of 72, the number of memberships right now across the Internet (global) community.

Well, as I said last week, invoices will be out by May 4 (to these members on full time) to purchase their membership renewal before June 30, 2018.

(That year) marks the end of FY'18 (the fiscal year) in ICANN and the BC calendar. I'd like to take the opportunity to thank some of our members for paying FY'19 well in advance.

In addition, I'd like to thank you all for your cooperation with the Finance department of the BC in regard to processing invoices and dues for the outgoing fiscal year.

Preparation for ICANN62 in Panama is already in top gear. In this regard, we request members to send in their articles, for our quarterly BC newsletter. So, these articles are being welcomed now. And it will cover a range of your experiences in ICANN, your outreach activities, and something you think will encourage (what is) part of what we're doing especially after the IANA – successful IANA transition– with the oversight of the IANA function and ICANN itself for the (global Internet) community.

And we have still (April 30th) to submit the articles. To send them in. And the preceding newsletters are always on our website for your reference.

For ICANN62, the proposal for outreach (business) is there. And that's going to be – the Outreach committee will be looking at this plan for proposal.

Also to ensure that (Outreach interface) with our stakeholders and also members or the public, we are coming up with a new addition of our Meet the BC Brochure.

So, as I mentioned last meeting, you'll be getting notification to prepare your profile and the need of your organization in the BC. This we will have to know the quality of our membership of the BC.

And then, finally, we have yet to receive your nominations for beneficiaries of ICANN-sponsored (BC leadership) development program. If can recall, the chair, Claudia, sent a message to everyone requesting nominations of (two CEOs) that could benefit from the (BC leadership) development program.

Now, they do not need to be a member of the BC. The whole idea is that are they coming to these programs, to the BC, and will also be encouraged to be part of what we're doing in the BC.

So, if you are a non-BC (CEO) member, from Latin America, specifically, with potential to joining the BC, so for ICANN 62 in Panama, which is the destination. So, I believe we have until next week to send in the nomination.

Perhaps you'll get some reminder. Chantelle will send some reminder in this regard. So, this is what I have for now. I don't know if there are questions. Thank you, Claudia.

Claudia Selli: Thank you, Jimson. Just one thing, because you mentioned the ICANN 62 outreach activities. And this morning I also had a conversation with Andrew Mack, chair of the outreach, but also our former chair of the BC.

And I – I mean, I had been thinking that we always do the outreach in a certain way, in a certain format and it would be good, you know, to – if members of the BC, including the new ones, have ideas on how we could do things decently.

I think it would be a – it would be good, and maybe to try a new model also for ICANN 62 if we manage it and see whether maybe this is a model that we can take forward.

So, it's good if other members that are not part of the outreach but still have ideas, I think it would be great to take those into account or to (have) those to the BC.

Andrew Mack: Claudia, this is Andrew. Can I just jump in real quick?

Claudia Selli: Of course.

Andrew Mack: Thank you. Two things. Number one is, thanks for that. I think what would be great would be to get especially from some of the new members, whether they have any good ideas about what would attract people like that, I think that would be really helpful because we've gotten some new members in and I just think it would be worthwhile for us to try to get some – to look at new structures for how we would present that.

That was one thing. And the second thing is, that by all means, the thing that Jimson mentioned, if people in the BC have, as part of their networks, good folks that we should be looking at to try to there as new business leaders, let's try to throw that out to the BC as a general rule.

And, maybe if you could send that around, the details about that around so that people could potentially be a form that might be forwardable to their friends, I think that would be a good way to maybe get it out. Make sense?

Claudia Selli: It does to me. I think Marilyn – and I see Marilyn in the queue. The hand is up. I don't know if she has comments on that.

Marilyn Cade: Thanks, Claudia. Marilyn Cade. Actually I have a broader comment. I just spent about an hour and a half doing research on who's doing business in Latin America.

And I was doing it specifically so that we could think about who are our options. And I'll just finalize it today and send it out to the outreach committee.

Panama has a specific strategy. They have over 100 multinationals that are based – have physical presence in Panama and are doing business from Panama because of the very favorable conditions into the rest of Latin America.

So, a couple of ideas. Perhaps since Andrew and I are here physically, there is a US chamber linkage to the Panama chamber. We did not reach out to the chamber here in Washington, DC before we went to ICANN 61.

But we could do that. But I'm going to send this list of multinationals. It's not the entire list because there're over 100 but it's a list of companies that we might be able to do something similar to what we did in – at ICANN 61, a special outreach to the chamber and the ICP Association.

But perhaps we could also ask to meet with the minister who is young, dynamic, very much engaged and might really welcome the opportunity to talk to businesses from the BC in an informal setting.

That would be just a couple of quick ideas that may be a little bit different from what we've done before but would be maybe – very cost – sorry, very time-effective for us.

Claudia Selli: Thank you, Marilyn. Anyone else? No. Okay. And, yes, last but not least, I'd want also to thank Susan for stepping up and replacing Alex Deacon that did an excellent job. Thank you, Susan.

And if there are no other points to be raised from members – if not, I'll give you back 15 minutes of your time and the meeting is adjourned.

END