

**ICANN**

**Moderator: Chantelle Doerksen  
October 10, 2018  
10:00 am CT**

Coordinator: Excuse me, the recordings have been started. You may now begin.

Chantelle Doerksen: Good morning, good afternoon and good evening. Welcome to the BC Members call on Wednesday, October 10, 2018. In the interest of time, there will be no roll call as attendance will be taken via the Adobe Connect room and the phone bridge. I would like to remind all to please state your name before speaking for the transcript 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 the BC Chair, Claudia Selli, to begin. Claudia, please go ahead.

Claudia Selli: Thank you very much, Chantelle. And welcome, everybody, and thank you for accepting the change in the BC call to accommodate also all our officers to be present in the call. So thank you very much for that. And in the interest of time I will leave the floor to Steve that needs to drop off at 25 I think. Thank you, Steve. The floor is yours.

Steve DelBianco: Thank you, Claudia. It's Steve DelBianco. I'm not on Adobe, I'm on the phone bridge so if hands go up for interventions or questions I'll happily take an interruption and I'll stop and allow the intervention. Since our last BC call, we have filed three comments. Back on the 24th of September we commented in support of Donuts's proposed amendment for their domain's protected marks list service. I want to thank Marie and (Vivec) for drafting that.

On the 26th of September we filed pretty extensive responses to questions and recommendations from the working group - the PDP Working Group on procedures for the next round of new gTLDs. We called that Subsequent Procedures. Our comment was drafted by Vivek, Andrew Mack, Susan Kawaguchi, Marilyn Cade and myself and we gave about 1/3 of the 300 questions and recommendations included a substantive response from the BC, so thanks to those volunteers for that.

We'll need to follow it closely, the work of this PDP, since I think they are hoping to move very quickly from initial report to public comment analysis to final report. There's some urgency on the part of many in that group to try to get to the next round.

And then finally on the 5th of October we commented in support of ICANN's proposed next steps for the reviews. Now these are both the specific reviews brought in the Affirmation of Commitments, those four, as well as organization reviews like the GNSO review, ccNSO review and ALAC review.

Barbara Wanner and I worked on those comments where we really picked up on some previous comments the BC had filed in response to short and long term options. There were very few community comments on the short and long term options and ICANN staff sort of sifted through them and came up with a completely different plan than the one that we had recommended. Nonetheless, their recommendations are very reasonable and the draft that Barbara and I circulated for all of your review we supported the proposed recommendations.

Let me turn now to the open public comments, there are five of them open and most will not be due until after Barcelona, so I can abbreviate this to talk about just the first two. The first one is - there's a proposed profile for a pilot project on Registration Data Access Protocol, or RDAP. And think of this as a replacement for the Port 43 automated query of Whois data and RDAP is a federated access, it's a service that's hosted on a server which then routes a query to the registrar or registry that has the data and then returns the answer.

These comments close 13th of October, this weekend. And I have noted that the temporary specification, which was put in place pursuant to GDPR, requires that all the registries and registrars implement RDAP for gTLD Whois queries to replace Port 43 and in particular the BC is keen to see the RDAP reflect the technology necessary to provide tiered access to the nonpublic Whois data which is not a policy matter in RDAP but a technical matter in RDAP including the ability to capture the reasons that are submitted and to authenticate credentials of the requesting party.

So we circulated the other day a draft that was led by Mark Svancarek with contributions from Alex Deacon, Tim Chen, Faisal and Margie. I want to thank them for that draft. And since that's due in just a few days, I'd be happy to take a queue if anyone wants to add their thoughts or questions for the draft.

Claudia, I leave it to you to let me know if any hands are up.

Claudia Selli: Sure. I don't see any, Steve.

Steve DelBianco: Great. Thank you. We may modify that comment to put a sharper point on the use of RDAP for nonpublic Whois queries, and I'll work with the team on that.

The second is due the 4th of November and this is the Whois Review Team. This is one of these specific reviews I spoke of earlier, the Whois Review Team has put forth draft recommendations and they've done a suggested template for how we can comment on that. And I want to thank Denise Michel who volunteered on our last call to draft BC comments on that template. Susan Kawaguchi was vice chair of that Review Team and can also be helpful to us. So we'll look to have a draft circulated while we are in Barcelona and discuss it there.

The other three comments are not due until later. One is on the operating budget for PTI and IANA. And Jimson and Jay Sudowski had done our comment on that, an extensive and well done comment one year ago; it's time to dust that off and do another comment. Jimson, I'm hoping you're on the call, you would you be able to lead our drafting on that?

Jimson Olufuye: Hello, Steve. This is Jimson.

Steve DelBianco: Thank you, Jimson. Much appreciated. There's also an initial report out on the Cross Community Working Group for the New gTLD Auction Proceeds. Marilyn Cade represents the Commercial Stakeholder Group as a representative on that cross community working group and we also have participation from Waudo and Tola. And the BC commented long ago on the principles for the auction proceeds but we now have an app to comment on a new report and look forward to guidance from Marilyn on how to structure the BC comments on points that we should emphasize or things we should push back on.

Do we have any volunteers that would assist in developing that comment? And again, this is the disposition of several hundred million dollars in auction

proceeds from the new gTLDs. And I believe there's another auction today for the dotKids TLD which will fatten that proceeds even further.

All right, and the last one is - there's a final report and recommendations from the review team that looked at competition, consumer trust and consumer choice with respect to the expansion of TLDs. I think that's all for the currently-open and submitted public comments. As all of you know, we are - many of us focused heavily on how to implement the temporary spec in terms of policy in the face of GDPR and having attended all of those calls, I can tell you that Mark Svancarek and Margie Milam are working tirelessly on twice a week, two hour calls, a face to face that happened in Los Angeles two weeks ago, and then we have several hours of preparation and follow up calls as well as document editing in between.

I wish I could report that there's significant progress that's been made but I do think that things are in a better shape now than they were two weeks ago. Margie and Mark, since I can't see the Adobe and if either of you are on the call, would you like to discuss any of that with your colleagues here on the BC?

Okay, hearing nothing I'll turn things over to Susan and Marie on channel 2 where I've indicated things that were done at the last Council meeting of 27 September and the two resolutions you voted on, and noting that we don't have an agenda yet for the Barcelona meeting, those agendas should be posted by the 14th of October. Susan and Marie, over to you.

Marie Pattullo: Thanks, Steve. This is Marie. The last meeting was not particularly exciting but I'll give you some headlines. You know that we're looking at how to improve the PDP process the way it works, so the madness of timelines and individual members blocking things. That's an ongoing discussion. It's going

to be picked up again during the informal meeting on the 21st, which is the Sunday in Barcelona. So if any of you have any experience in running a PDP, in getting frustrated with a PDP, please show up on Sunday the 21st and give your thoughts.

We voted to approve the Cross Community Working Group Accountability Work Stream 2 final report. Massive shout out to Steve here for all of the work that you did on this. I know how long it lasted so we have a unanimous vote approving that so it can be passed up, again, thank you to all involved.

We also unanimously adopted the final report on the protections for the Red Cross. Many of you will remember a lot of back and forth on this. The NCSG, the noncommercial colleagues, did give us a nice statement telling us that they approved of it but they didn't really like it that much but nevertheless it was approved, that's all we need to know.

We had a discussion around the auction proceeds, no action points, just an update from Erika Mann. At the moment the group has come down to two favored recommendations, so that's either creating a new department, a standalone department within ICANN, or merging some kind of standalone department with some kind of outside entity. Now all of this of course comes down to bylaws and possibilities and then naturally to the mission and the mandate of ICANN and what it's actually allowed to do. So keep your eyes on that one, we'll find out later.

There were back and forth with things that we've already discussed, the EPDP, consideration of concerns, but then one thing that has happened since Council is we had a webinar on the 9th of October...

((Crosstalk))

Marie Pattullo: Sorry? Sorry, somebody spoke?

Lawrence Olawale-Roberts: Yes, you said you were going to join me in.

Marie Pattullo: Hi. Okay, I'm sorry, I'm not hearing a question. Okay, I'll keep going until you've got a question. Apologies if it's my phone that's not working very well. The only other update I have, before I stop talking, is that we had a discussion in a webinar about the future of the infamous IGO INGO Curative Rights problem. Briefly, as you well know, going back to well before the new gTLDs program, the GAC was calling out for there to be specific procedures in place to protect acronyms that are international governmental organizations, or international nongovernmental organizations.

That didn't really happen. It went forward to a PDP that got very, very stuck and here I have to take off my hat and bow down to Susan for her patience of being the Council liaison onto that working group. The result is again as you all know that the final report from that group eventually came to Council before the summer. And the scenario we have now is that we know for a fact that that report does not - is not in line, I'm sorry, with the GAC Advice. So our choice is simple, ha-ha, simple. Do we send it up to the Board knowing full well it's not in line with GAC Advice? Or do we send it back to the working group?

If we send it back to the working group, and here I will turn over to Susan if she doesn't mind, pretty much nothing is going to happen because they are infighting for want of a better term, and we know that they are not going to approve a specific mechanism just for IGOs and INGOs. But one thing that has been very much drawn out of this, which circles back to my comment at the beginning about how the PDP is not necessarily working, is we have a

procedure, it's .3.7 of the Working Group Guidelines if you want to go read them, that in essence allow one member to complain about the behavior of a chair and thus block the work for everyone else.

This is not necessarily something that is in the interest of the community as a whole. So where we are at the moment is that we did a lot of talking on this. It was pretty good, nobody actually shouted at each other, which is always good. Council leadership have gone away to draw up a straw man as to how we can take this forward. Okay, Steve, I'll turn it back to you and obviously to Susan. Thanks.

Steve DelBianco: Thanks, Marie. Susan, anything to add on Council's perspective?

Susan Kawaguchi: No, Marie did a great job.

Steve DelBianco: Thanks, Susan. I know this is going to be your last meeting as our councilor, since our election of Scott McCormick and your term limit means that you'll retire from that role at the end of Barcelona, but I am looking forward to your continued engagement in the BC.

Susan Kawaguchi: Thanks, Steve.

Steve DelBianco: I - yes, and I want to turn over to Barbara Wanner, who's been incredibly busy helping us to plan for CSG meetings in Barcelona and the CSG participation and the BC participation in the election of Council's next chair. Barbara.

Barbara Wanner: Thank you, Steve. And I'll just move quickly since Steve is only on the line for a few more minutes. I really need and value BC feedback on a voting strategy within the CSG with respect to voting rounds when the Council elects



a chair in Barcelona. I'm confused, quite honestly, because it seems to me we only have two candidates, one from the Contracted Party House, one from the Non Contracted Party House, so I don't understand the need for rounds. So I defer to those who have more experience with this to educate us on why we need, quote unquote, voting rounds for this. Anyone? Okay?

Steve DelBianco: Marie and Susan and Chantelle, it would be helpful to circulate the procedures for Council election of chair so that we can all understand and try to understand the real reason for this notion of rounds. It would be better not to have that. In any event, my advice is that the BC stay really transparent about what our support is and try to avoid creating a conflict with the NCSG. But I think we've been pretty transparent so far and thanks to Barbara for writing that up that way.

Claudia Selli: Steve and Barbara, it's Claudia here. I would agree of course with the fact of being transparent and I also thought that we had been because our support is clearly also in the proceedings so in the transcript of our meeting in Panama and (unintelligible) also at the last ICANN if I'm not mistaken. So I don't know - and I would agree with you that we should avoid having, I mean, remaining more neutral.

Barbara Wanner: Well my recommendation because Rafik reached out to all of the CSG chairs, ExComm chairs, to request a face to face meeting in - excuse me, in Barcelona. And what the BC has recommended to the CSG is that we say simply that we do not have time - the Barcelona schedule is very busy, we do not have time for separate face to face meetings with both candidates, meaning both Rafik and Keith Drazek and that we are satisfied with our telephone call with Rafik and his candidate statement as well as our forthcoming telephone call with Keith Drazek, which will be on the 17th of

October at 1400 UTC and his statement, so we are satisfied with those as background materials to inform our vote.

Claudia Selli: And so if there are no objection on your approach, I'm happy also to respond on behalf of the BC because I think he approached, if I - yes, if I remember correctly, wrote in an email asking this - to have meetings.

Barbara Wanner: Right.

Claudia Selli: Just to make sure that all the members are comfortable with the approach.

Barbara Wanner: If anybody has any concerns with that approach, let us know right now. I've also conveyed that to my colleagues on the CSG ExComm that that is the BC's preferred approach to this.

Steve DelBianco: And that was an approach where we indicated equal time would be given in the BC to both candidates, equal time in terms of the candidate call.

Claudia Selli: Yes.

Steve DelBianco: And that we weren't going to do a face to face discussion with either candidate so there was no...

Barbara Wanner: Exactly.

Steve DelBianco: ...not bias in respect to that. Thank you.

Barbara Wanner: Right. Okay well I'll just reiterate that on our ExComm call, I believe it is next week after our call with Keith. And hopefully we can get some clarity concerning this issue of voting rounds. Okay, and then the only other point I

want to raise with you today, again, while Steve is on the call, is designated leads, so to speak, for our sessions with our GNSO appointed Board members as well as our CSG session with the Board.

We proposed several questions from the BC that we might ask Becky and Matthew, and concerning the ODI project, it was proposed - Jimson actually proposed that maybe Denise take the lead on that and while Jimson will play a role in our questions before the Board. And that Marie, if she is available, and doesn't have a GNSO Council commitment - conflict, might talk about improvements we'd like to see in the PDP process. If you have any concerns about that please let me know.

And then finally, for our session with the Board, we might want to decide this in our closed BC meeting who will be our designated lead to participate with the ISPCP and the IPC in a coordinated conversation with the Board about the EPDP and the Unified Access Model and so forth. We will have 45 minutes to devote to that and then each constituency will have 15 minutes to query the Board individually.

And for our BC proposed topics for the Board, let's see, we had indicated - okay, Jimson has volunteered to step forward and talk to the Board about - engage the Board in a discussion about what they're doing to engage the ITU at the upcoming plenipot at the IGF and so forth particularly in view of the ITU's desire to encroach on ICANN's remit. What is the Board doing to promote the multistakeholder approach to Internet governance more generally at UN events? Claudia has offered to take the lead on that.

And then concerning Board thoughts about community comments on the auction proceeds models, we've proposed Marilyn to serve as the lead on that.

So if anyone has any comments or ideas about appropriate leads, please let me know. And Steve, you probably have to dash.

Barbara Wanner: Yes.

Denise Michel: Yes, this is Denise. I'm sorry, I also could not get into the Adobe Connect room but I'd like to be in the queue.

Barbara Wanner: Sure, go ahead, Denise.

Denise Michel: Yes, so we had David Conrad and the (Octo) team at our last face to face meeting talking about the Open Data Initiative, it's not clear to me why we're having him back again. And there really hasn't been any additional movement on this issue either so I would suggest we look at other ways to use our time, other - people to talk to on ICANN staff.

Barbara Wanner: Okay.

Denise Michel: And then also in terms of our issues with the Board, really the most compelling issue remains for the Business Constituency I think is lack of access to Whois for GDPR legitimate uses and cyber security, consumer protection.

Barbara Wanner: Right, yes, and that will be - we can address that, certainly we can address that during our 45 minutes with the Board where we want to focus on those - precisely those issues.

Denise Michel: Okay, I was a little confused talking about the ITU...

Barbara Wanner: Yes, yes, yes.

Denise Michel: ...questions. Okay.

Barbara Wanner: Oh yes, no that's - yes, that's - that would be during the BC's 15 minute segment, but we'll have 45 minutes where we can talk all about - we can focus on the EPDP, the Unified Access Model and the need to access Whois data.

Denise Michel: Yes, I would suggest that we also address the sort of systemic degradation of responses and discussions when there are formal community comments to a range of issues. This is something that we've brought up before with the CEO and goes to the quality of engagement and the multistakeholder model both for the BC and any other constituencies. And I think we're at the point where we need an open discussion about doing a refresh on how staff and Board are responding to and considering official comments from any constituency in ICANN. Thanks.

Barbara Wanner: Okay, thank you. Anyone else? Okay, I think that does it for my CSG report, thank you.

Steve DelBianco: Thanks, Barbara. Claudia, back over to you.

Claudia Selli: Yes, thank you very much. And Chantelle, thank you for displaying the agenda. So our meeting in Barcelona, as you can see from the agenda we have the BC outreach reception on Monday the 22nd of 6:30 to 1930, the BC closed meeting is on Tuesday, 23 October from 9:00 to 10:15 which the same day we're going to have as well the BC open session on 3:15 to 6:30. Now we had invited for the BC open meeting yes, Cathrin Bauer-Bulst from the European Commission but she cannot be there because she's only arriving in the I think later that day or in that day.

So maybe we can invite someone else either from the GAC if we want to have this discussion with the governments or from the Commission likewise, I mean, we can of course exchange mail on that and then for, yes, I think Chantelle, correct me if I'm wrong, (David) it was also invited, right? Okay, so we can see - we can keep you updated on the speakers for the ICANN 63 if there are any suggestions please raise your hand now or if not, I will leave then the floor to Jimson. But before that I wanted also to echo the thanks for Susan's service and engagement and we look forward to seeing you in Barcelona. Jimson, over to you. I don't see anyone raising their hand.

Jimson Olufuye: Okay thank you very much, Claudia. This is Jimson. I will also (unintelligible) to Susan, thank you so much for your commitment to the work and the mission of the BC. Well I'd like to say welcome to our new member, (unintelligible) based in London and the (unintelligible), I don't know if you're online, but you're most welcome. And I would like to use the opportunity again to (unintelligible) to follow up with the (unintelligible) because based on our charter in order to vote in the upcoming BC officer elections, so I would like to - again to (go over the process).

Secondly, the BC officer elections is coming up shortly. It has been announced before that it's coming up in October so (usually outside this) call a timeline will be sent to the list. So nomination is projected to start on October 22 and in line with the BC officer election cycle, (Officers take their seats) by the 1st of January, 2019. So thank you, Chantelle.

According to BC charter approve (26th) June, 2017, officers of the Executive Committee will be elected for one year term. And then they will be elected for three consecutive terms for one position but not more than five consecutive years in any Executive Committee position. If an exception is granted where no candidates exist.

Also, with respect to Section 4.1 of the BC charter, the BC committee like the Credentials Committee, the Outreach Committee, they are expected to conduct elections for the chair of these committees so the only election to be coming up (directly after) officers election so (this will) also be provided so please check Section 4.1, Section 4.1 of the BC charter so members of the committee, Credentials Committee and the Outreach Committee kindly check this (first).

Next is outreach, the BC outreach during (the AfICTA Summit) in Nairobi on Monday, this past Monday was quite successful. Our chair, Claudia, Andrew Mack, they (Marilyn Cade), Bob Otcheng, head of ICANN Engagement Office in Nairobi and (Elizabeth) also a member spoke (unintelligible), Claudia, and all those who spoke, Andrew and Marilyn for doing justice of issue at hand and can say from the feedback we got that the audience was quite well impacted. Those (who never knew about) ICANN and the BC were well informed and they actually said it. We expect new members to join the BC from that event.

Again on outreach and objectively the planned outreach in China, the due to (the visa) challenge, they were delayed, there are plans to take an opportunity early next year in China. And finally, just as Claudia mentioned, the Barcelona outreach is on course (October 22nd). I don't know if Marilyn is online, or on the phone line perhaps can (shed light on this). So if there is any question or comments, (oh Marilyn is not online today) but it was mentioned that there is a lot of contact (have been made) at the outreach in Barcelona will be equally very successful. So, on this note I want to say thank you very much and back to you, Claudia.

Claudia Selli: Thank you very much, Jimson. And yes, I don't know if there are other points the member wanted to bring up in this remaining time? No? So if there are no other comments I mean, we will adjourn the meeting and we'll see everyone hopefully at the ICANN 63 on the 23rd of October for the next BC meeting and certainly even before that. Thank you very much for participating.

Chantelle Doerksen: Thank you very much, Claudia. Operator, you may now stop the recording. Please remember to disconnect all remaining lines and enjoy the rest of your day.

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