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CHANTELLE DOERKSEN: Good morning, good afternoon, and good evening. Welcome to the BC members call on Wednesday, April 17, 2019. In the interest of time, attendance will be taken via the Adobe Connect room and the phone bridge. I'd like to remind all participants to please state your name before speaking for the transcript and to keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'd like to turn it over to our chair, Claudia, to begin. Claudia, please go ahead.

In the interest of time, I would like to turn it over to our speakers from NomCom. [inaudible] and Jia, can I turn it over to you to open up for the presentation? Thank you.

UNIDENTIFIED MALE: Hello?

CHANTELLE DOERKSEN: Hi. Is there someone from the NomCom that would like to start us of with a presentation? No worries. I believe Damon is on the call as well from the NomCom as the NomCom chair.

STEVE DELBIANCO: I think you're muted, Damon.

CHANTELLE DOERKSEN: Hi, Damon. No, we can't.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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DAMON ASHCRAFT: Okay. Have I been unmuted by the host?

CHANTELLE DOERKSEN: Hello, Damon. Yes, we can hear you.

DAMON ASHCRAFT: Can you hear me now?

CHANTELLE DOERKSEN: Yes, we can.

DAMON ASHCRAFT: Okay, perfect. Would you like me to go ahead and give the presentation on the Nominating Committee?

CHANTELLE DOERKSEN: Yes. Please, go ahead.

DAMON ASHCRAFT: Okay. Well, first off, thank you so much. My name is Damon Ashcraft and I am the chair of the 2019 Nominating Committee (or NomCom) and I really appreciate the time to speak with your group this morning. Regret that we couldn't meet in person in Kobe but it's great to be here. Probably one of the most important things that I want to share with the Business Constituency today is that we have had – we are in the process

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of having a change on the NomCom leadership team which does affect the BC.

As most of you probably are aware, Cheryl Miller had been appointed as chair elect of the NomCom and due to a number of reasons, she recently decided to go ahead and step down, so we'll certainly miss her. She was a fantastic chair elect and we really value her contribution to date. But, it looks like Jay Sudowski has been recommended by the BGC to assume the chair elect role and I'm sure many of you are aware Jay represented the BC on the NomCom for the past two years, so it will be great that Jay will be joining us again. Also, Zahid Jamil, also a member of the Business Constituency, is my associate chair. So, I don't know if, Jay, if you're on the line or not, but wanted to welcome you to the NomCom and just let the BC now about the change in leadership.

JAY SUDOWSKI:

Thanks, Damon. I don't know if my audio is coming through or not, but I am here. Appreciate the kind words.

DAMON ASHCRAFT:

Excellent. Yeah, your audio is coming through just fine. Basically, the positions that we're going to be filling this year on the NomCom is we had three seats for the ICANN board. We have two seats on the GNSO Council. We have three seats on the ALAC. We have one seat on the ccNSO. We also have one seat on the PTI Board of Directors. The PTI Board is one that we don't necessarily fill seats to every single year. We did not fill a seat to that board last year but we did fill a seat to them two years ago in Johannesburg.

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One of the unique challenges or aspects of the Nominating Committee which is different this year is that in prior years, the geographical limitations with respect to the ICANN board are having more of an effect on us.

As you may know, there are certain limitations with respect to the composition of the board with respect to geographic diversity. Basically, from each geographic region, the bylaws require that you have at least one director and no more than five.

What has happened is, with respect to this year, is that North America has five directors. So, we will not be able to fill a seat with a North American candidate. We are particularly focusing on the regions of Africa, Latin America, the Caribbean and also the Asia-Pacific region for candidates that we're going to use to fill the seats on the Board of Directors. Europe is by no means closed. I believe they have four directors, so we certainly are within our – we're certainly able to fill another seat from a European.

Where we are specifically at is a stage in the process where we're essentially halfway through the selection phase. We've got all of our candidates. We have reviewed them, we've ranked them, we had an in-person meeting in Los Angeles last week and we whittled down the list of candidates from a fairly large list down to a much more manageable list. The next step in our process is we're going to be having a second intersessional which will be done by phone. Then, on top of that, we will be having of course our selection meeting at the meeting in Marrakech. That's pretty much where we're at in our process.

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We did receive a large number of applications this year. We received about 128 applications. We engaged recruiting firms. We engaged three separate recruiting firms. One conducted a worldwide search and one was specifically directed to search for candidates from Africa and one was specifically directed to search for candidates from the Asia-Pacific region.

That's pretty much where we're at right now in our cycle. I'd like to open up. If anybody has any questions for the NomCom, please let me know or let Jay know. Does anybody have any questions? Does anybody have any questions for me or for Jay this afternoon?

STEVE DELBIANCO: I have a question for you.

DAMON ASHCRAFT: Sure, Steve. Go ahead.

STEVE DELBIANCO: Two of the roles you get to suggest are the voting roles on councils to houses, right? The voting role for the non-contract and one for the contract party house.

DAMON ASHCRAFT: Correct.

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STEVE DELBIANCO:

I have never understood the decision-making criteria that you use to determine the background of such a person and to whether you try to tailor that person to the house that you would designate that seat for and anything you can share would be helpful in the nature of transparency. Thank you.

DAMON ASHCRAFT:

Sure, Steve. Thank you very much. It's an excellent question. I'm a little bit limited in what I can share because all of our internal deliberations are confidential. But I can tell you that with respect to these two seats on the GNSO Council, the non-contracted party house and the voting contracted party house, when we looked at the candidates at our intersessional last week in LA, we went through the list once and we discussed the candidates with respect to the non-contracted party house and we started all over again and we went through the entire list again and discussed them for the contracted party house.

So, we realized that there are differences in the needs of those two different houses and different experiences are applicable, so we did make that consideration this year during our first [whittling] period and I suspect we'll continue to do that as we go through selecting candidates for those two positions on the GNSO.

Does anybody have any other questions? I hope that answered your question, Steve.

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STEVE DELBIANCO:

Thanks. Yeah. Don't take the lack of questions as any indication that we lack an appreciation for the importance of NomCom and the work that you're doing. But the truth is that most of our questions get the same reply in that, "Well, that's confidential and we can't really say." So, we appreciate what you're doing, but we don't expect you to give us any answers so you shouldn't expect us to ask any questions.

DAMON ASHCRAFT:

Okay. I certainly understand. One of my priorities as chair, though, is I want to share as much information as I can while protecting candidate information and our deliberations. I will make every effort to share as much as I can with you. I know the NomCom has a reputation for being a black box and I'd like to try to share as much as I can. It is a difficult position to be in. It's a little bit trickier now as far as just the timing of our call this morning because we already have candidates and the process is closed with respect to the application is closed. But certainly willing to share whatever I can with this group because I very much value the BC and I think that you guys are in a unique position because two of your members are in leadership which is fantastic and they're both doing a good job.

Are there any other questions? Am I still connected? I just don't hear anything.

CHANTELLE DOERKSEN:

Hi, Damon. Yes, you are still connected. I don't see questions in the chat nor on the phone bridge but thank you so much for joining. We appreciate you taking the time to update the BC today.

DAMON ASHCRAFT: Absolutely. Hey, thank you so much for allowing me to come in and crash your meeting. It's always a pleasure to speak with this group and I wish you all a very productive meeting and I look forward to seeing as many of you as possible in Marrakech. So, thank you so much and have a good day.

CHANTELLE DOERKSEN: Thank you, Damon. Take care.

DAMON ASHCRAFT: Bye-bye.

CHANTELLE DOERKSEN: I'd like to turn the meeting back over to Claudia Selli and also Steve DelBianco for the policy calendar.

STEVE DELBIANCO: Thank you, Chantelle. Can somebody just confirm, are you seeing the policy calendar in the Zoom window?

UNIDENTIFIED MALE: [inaudible].



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STEVE DELBIANCO:                   Excellent. Thank you. I'm sorry. Are you seeing the policy calendar? Can somebody confirm? Yes. Okay, great.

UNIDENTIFIED MALE:               Steve, there it is.

STEVE DELBIANCO:                   Sometimes there's a delay. Sorry about that. Not much I can do. Look, thanks to Alex Deacon for drafting both for the IPC and for the BC, drafting a response to the Technical Study Group – we call it the TSG – in response to the report that they unveil, the framework they unveil in Kobe. They call it a draft technical model for accessing non-public registrant data. We all know that as the technical model of RDAP to get accredited access to the non-public WHOIS fields. They confirm what many in the BC and the IPC have said all along. Most of us in the technical side had always believed RDAP would be a great way to do that. It doesn't solve any of the legal concerns that still remain, but technically it's definitely doable and the Technical Study Group confirmed all that we had said about that. Six times they reminded us that we should go to the registrars to get the data. They're the authoritative source of the data. And they didn't see any technical issues.

Now, nonetheless, Alex Deacon I think did an excellent job drafting support for what they did but also encouraging them to clarify in certain areas, take the work a little bit further before they disband, and we joined the IPC and posted that to their e-mail list on April the 10<sup>th</sup>. Thanks again to Alex for that.

Next thing I wanted to turn to is the open public comment periods. The first one open closes today, and by midday today then I will send in the draft comment. It was attachment one to the policy calendar and I'm now going to attempt to share that. I hope that this works. Can somebody let me know if you see the comment up on the screen, the BC comment? Great, thank you. That was a little faster.

A big thank you to Mason Cole for leading the drafting but he had plenty of help from Statton Hammock, David Fares, Susan Kawaguchi, and then Claudia and Andy Abrams both provided some excellent edits. I think this is an excellent effort, and again thanks again to Mason.

So, I have it on the screen. You've all had it for almost ten days. Yesterday I sent around the very final version which reflected some minor edits that came in from Andy and from Claudia. Are there any further questions or comments on this draft? I'll scroll through it. Yeah. We are explaining to the ICANN board what our opinion is on the EPDP phase one report but we're giving plenty of advice about the need to prioritize the work for phase two. I will turn to that in addition later on in the agenda because we had also drafted a single page of suggestions for the ICANN board when they come up with the motion that will accompany their approval of the phase one report.

You'll note that we do devote a small amount of ink in this report explaining how and why we voted on the consensus back on the 4<sup>th</sup> of March and we reasserted our statement explaining why we voted that way, so it's really not about explaining or apologizing for the way we voted. We explain again why we voted no and we go on to say the importance of a unified access model in phase two. Any questions? I'm

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doing my best to keep track in Zoom of whether anybody has a hand up. It's just going to take some to get used to. If anybody has something, please just speak up. Andy raised hand. Go ahead, Andy Abrams. I don't hear you, Andy. Andy?

UNIDENTIFIED MALE: Mason's hand is up.

STEVE DELBIANCO: Mason, please.

MASON COLE: Do you hear me, Steve?

STEVE DELBIANCO: We do.

MASON COLE: Thanks very much. I just wanted to raise ... I realize this is a bit last minute but I wanted to raise an issue with the BC in the current draft. I had a concern that there's language in the comment about ensuring that ICANN accepts legal responsibility for [inaudible] access to data. The concern there is that could be viewed as a gating item for progress on the rest of our comments in this comment. My concern is that everything that we've asked for in the comment is something that's under ICANN's control but we've [inaudible] turned over an issue about accepting legal responsibility to someone outside of ICANN's control

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and the concern is that would be viewed as a prerequisite or a gating item for progress on everything else and I wanted to raise it to the BC to see if others shared that concern and if that was something that we could remove from this comment and pursue that in parallel along with the rest of our comments.

I also understand, if I may, Steve, I also understand there may be some other folks who have some last-minute comments, so I just wanted to raise to the BC that this is due at the end of the day today so we have a limited time for getting other comments incorporated into the document.

STEVE DELBIANCO:

Thank you, Mason. I hope it's visible on the screen but I highlighted the line where we say to ensure that ICANN accepts legal responsibility for the provision of access to the data by parties with legitimate interest.

So, do you have a proposed edit to that that you want to discuss with your colleagues right now? Because removing it may not be as effective as qualifying it so that it doesn't become a gating factor for progress.

MASON COLE:

I sent around to the BC just before the call an edited document that actually removes that language in two places. You've got it highlighted [inaudible] – you've got it highlighted in one area. There's another area down on the end of page three of the current draft where I also removed the comment. So, I'll put that to the BC for feedback on whether or not we remove that or add qualifying language.

STEVE DELBIANCO: In the chat, Andy Abrams says, “What about Claudia’s language suggesting that we ought to limit the liability for contracted parties? Would that be an acceptable replacement?” Ensure that the arrangement limits the liability for contracted parties. Let’s not miss the chance to get that in there. We said it at the mic many times. We know that it’s a prerequisite. But just removing it doesn’t really feel like the right response, Mason.

DAVID FARES: I don’t quite understand how I raise my hand.

STEVE DELBIANCO: Go ahead.

DAVID FAREAS: Maybe we could do something along the lines of extracting that language from this sentence and then saying in parallel ICANN should continue to evaluate how it can assume legal responsibility, etc., in a sentence that follows this one. Mason, would that work?

STEVE DELBIANCO: Mason and David, I’m going to turn to the drafters, those of you that participated. Mason, David, Statton, Claudia, Andy, Susan, would you please come to consensus between you on the right way to address this? And then we will circulate that to the full BC in about an hour.

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Again, don't touch other parts of the document. Stay tightly focused on just that, so our colleagues don't have to review things they already approved.

MASON COLE: I am willing to do that.

STEVE DELBIANCO: Thanks, Mason. So, David, Mason, Statton, Susan, Claudia, and Andy, within an hour if the group of you can please give us your consensus draft, send out a single redline from what we gave to the BC members last night and then I can ask every BC member to quickly look at that over the course of, say, three or four hours to get it in. Thanks, everyone. I appreciate that. Let me see if I can switch the sharing back to the ... Alright, is the agenda back up? Great, thank you.

CHANTELLE DOERKSER: Steve, not yet. I can put the agenda back up if you'd like.

STEVE DELBIANCO: I'm sorry, I meant the policy calendar.

CHANTELLE DOERKSER: Okay.

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STEVE DELBIANCO:

Is the policy calendar displayed? Thank you. So, we have three on the public comments plus – actually, four on the public comments that are open but we’re going to combine two of them. There is a series of registry agreements that are up for renewal and when that happens ICANN Org sits down with the registry operator, reviews their performance, and they negotiate. Just between the two of them, they negotiate on a new contract to replace the old contract for the subsequent six years. We have four of those on the table right now – org, info, dot-asia and dot-biz. The first two are due the 29<sup>th</sup> of April. The others are due in May. So, I’ll focus on the first two that are due in just two weeks and those are for info and org.

We are going to do a single comment for both of those. They’re not identical in terms of registries but their new registry agreements are nearly identical and they have the very same attributes as far as the BC is concerned and that is that they pick up almost all of the latest base registry agreements for new gTLDs and they adopt uniform rapid suspension and a handful of other dispute resolution procedures that are appropriate for existing TLDs. They don’t pick up the things for a brand new gTLD, such as a sunrise period, etc. But they do pick up the rest of the RPMs and DRPs (dispute resolution procedures). They adopt the public interest commitments of registries which the BC had a lot to do with. They pick up the Registry Code of Conduct which the BC supported and helped put together.

I guess you would say as a quid pro quo for adopting all that, both info and org have said we’ll take that on, but we also want to take on the standard registry agreement provision that ICANN is not a price regulator. So, they remove a legacy limitation that had limited them to

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10% a year of increases to domain name prices. They hadn't used that full extent of that 10% in the past, but in terms of adopting the entire agreement, they pick that up as well and ICANN explains from their perspective, they removed it saying, "The maturation of the domain name market and with the goal of treating the registry operator equitably versus operators of new gTLDs and other legacy gTLDs who use the same base registry agreement."

So, we have volunteers, myself, Mark Datysgeld, Jay Chapman, and Zak from ICA and Andrew Mack. I put together a draft. We circulated it two nights ago. Andrew Mack and Zak have circulated comments on that draft, so your five drafters are at work at trying to come up with something that I included my draft – it's not the full drafting team. I had included my draft when I circulated the policy calendar last night and you'll see it there, that I am recommending that we embrace uniform rapid suspension as a really effective way for registrants to pursue protection of their brand and their domain and protection of their customers. It's much less expensive and cumbersome than a UDRP.

And while we wish that an RPM Working Group over the past two years had been able to approve URS and we believe it should be a bottom-up process, we aren't there yet and we don't want to miss the chance to get URS adopted along with all of those other non-policy development improvements, like the dispute resolution procedures, public interest commitments, and code of conduct. We want all of that in there and believe that there are adequate protections for registrants to the extent that they see a price increase coming because the registry has to advertise it six months in advance, then any registrant – and I, for instance, have a dot-org for netchoice.org. I can at my auction or those



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six months lock in the current price before the increase and lock that in for ten full years.

So, I believe there's plenty of time that if the price increase is excessive, yes the market could punish them but they aren't going to be able to gouge current registrants since we can lock in the old price for ten years.

So, in the draft document – and I don't have to go through it now because we have so much time left before we have to review it and approve it, but that's where I am right now with that draft and Zak Muscovitch and Andrew Mack and I had a little dialogue on it in e-mail last night. We are not all in the same place on this. Zak and ICA's members would prefer no price increases ever and don't like the idea of the URS. Happy to take a brief queue. For instance, Zak and Andrew, if you want to say anything further. I'm looking to see if there are hands up. Okay, I do see Scott McCormick, your hand is up.

SCOTT MCCORMICK:

Thanks, Steve. Maybe I'm just a little confused on this but when it comes to obviously the rate set at the registry level, for me I'm seeing that doesn't affect how the registrars go out and sell those prices. We've seen market prices all over the place. To me, I'm looking at this as squashing the infrastructure holder versus ... The real question is the registry operators selling to the registrars and the registrars being able to sell for whatever the hell they want and put stuff into premium naming and things like that. So, just a comment.

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STEVE DELBIANCO:

Yeah. Scott, actually, that's a great comment. Remember that these are just the wholesale prices from org and info. GoDaddy and the other registrars can pretty much do whatever they want. Sometimes they'll price less in order to get you to sign up for domain name hosting and e-mail and sometimes they charge a lot more. So, Scott is exactly right. This is only the part of the wholesale and doesn't address what resellers and registrars can do, and that has nothing to do with this particular agreement. So, great point, Scott. Appreciate that. Zak, your hand is up. Please, go ahead.

ZAK MUSCOVITCH:

Many thanks, and thanks, Steve, for sending around that draft. Yeah, you're right. I think we have a difference of viewpoint. I won't belabor it because we don't have the time on this call and we could do it on the list, etc. I'll just clarify that I don't believe that there shouldn't be any price increases ever for dot-org. I just believe that there are reasonable price increases and the existing cap at 10% should be sufficient.

The reason is that a lot of organizations, trade groups, non-governmental organizations, there's millions of them. There's nearly 11 million registrants that use dot-org. That's really the best place for them and to move away from dot-org because of a so-called free market isn't really practical because the switch in costs are high and it's an appropriate place for them. So, anyone who wants to begin as a new dot-org registrant now could be facing price increases and the existing registrants may not all take advantage of the ten-year hiatus and even after that they could be subject to price increases.

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Listen, if a price increase were to go up from the wholesale cost of \$9.65 to \$12.00, really it's not a lot of money for an organization. Across 11 million registrants, over the course of ten years it adds up to a lot of money. If the price were to go up to \$1000, without any real justification, I think it would be unfair to the existing registrants who have already made a home on dot-org. So, that's the gist of my position on price increases.

In terms of URS, in the working group, it's being examined. None of these policy decisions happen quickly. That's the nature of the policy development process to date and it is regrettable, but I think that as a matter of principle it's important for us to take note that when a working group of volunteers is charged with examining URS and possibly improving it or changing it, that their work be respected and that staff not jump the gun and unilaterally impose it.

I might very well support URS, and in fact I see it as very beneficial and I've used it in my own practice for trademark owners. That doesn't mean that I'd like to see it imposed outside of the policy development process, particularly when URS examination is nearing completion. So, I'll leave it at that. Thanks very much.

STEVE DELBIANCO:

Thank you, Zak. It's good to understand the principles behind things like that. I'd be interested in our debate to find out if you say don't put URS, I guess you would have to say don't do dispute resolution, don't do code of conduct, don't do public interest commitments because none of those came out of PDP. So, we'll have to have that debate. And the

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other principle point is that on the last two BC comments, we said we do not want ICANN to be a price regulator. We've got to reconcile that, so I think that you, Andy, and I, Jay, we have a lot of work left to do. Andy Mack, your hand is up.

ANDREW MACK:

Yeah. Steve, thanks very much. I just wanted to jump in because, actually, know this particular subject pretty well. We worked with the org community over the course of five or six years, both with helping them trying to do some emerging markets work and then on the design and work on dot-ngo, so I'm pretty up close and personal with the community and the way that they think about this and the way that they work on it.

For sure I think everybody wants to be supportive of the NGO community. My experience says that the cost of the domain is a very, very small part of their thinking. As I mentioned in the comments to the subgroup, when we were looking at dot-ngo as a possible, they were thinking of a price point of about \$50 per dot-ngo name per year. But we didn't get a lot of pushback from that as long as people feel that there's value in it. The key thing is do they trust that their name is what they say, which is why I think having the focus on URS is worthwhile. That really protects them against the big downside risk which is reputational risk and the like.

In terms of the ten years and the pricing going out, I don't think it's realistic to be concerned that they're going to move to \$1000 a name. One of the things that we found, and I thought it was kind of interesting

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and a little bit surprising was just the number of NGOs around the world that either have an org and their own cc or exist in other ccs or other places online, like dot-co.za for a lot of the NGOs in South Africa.

So, I think that there is actually more of a market already. My sense is if we want to be supportive of the NGO community, that this is probably along the right lines which is why the PIR guys are supporting it. That's it.

STEVE DELBIANCO:

Thanks, Andy. We have a lot of work to do on that. There are, as I said before, a couple of other comments coming up. We have dot-asia to do. Now, dot-asia is due May 7<sup>th</sup>. We have the same group of volunteers. So, we will look at that, but please understand there are no price caps in the past on dot-asia, so there are none in the future. I don't know whether Zak would argue that we should add price caps where there were none before, but dot-asia itself doesn't have price caps. We'll do that. It is a sponsored TLD, a community TLD, so we'll have to take a look at that a little bit differently.

Then, there's the dot-biz agreement and the dot-biz agreement doesn't close until May 14<sup>th</sup>, plenty of time on that. But it's an awful lot like org and info. So, whatever it is we reconcile ourselves to on org and info, I'm pretty sure we'll just copy and paste for dot-biz. This would be a great time for other volunteers in the BC to join this little drafting team because we have our hands full. Can I have any additional volunteers? Zak, I see your hand up. Do you have an additional point you wanted to make?

ZAK MUSCOVITCH: I just lowered my hand. That's an old hand. Thanks, Steve.

STEVE DELBIANCO: Alright, Zak. I wanted to make sure I was being attentive to that. Okay, let's move on. We have a story in the middle of the policy calendar where I list all of what's been happening on modifying WHOIS to comply with GDPR. That is there for the convenience of a newcomer to the BC or for someone in the BC who wants to catch up on what the hell has happened on WHOIS and GDPR over the past year. So, all I do there is a highlight of a series of things that ICANN has done and that we have done.

But at the bottom of there, there's a relatively important development. When we met with the board in Kobe – this is the Commercial Stakeholder Group and the board – we were discussing the EPDP phase one, phase two and in our discussion with the board, Chris Disspain on the board asked the BC, “Well, why don't you suggest options for what the board's resolution can say about phase one recommendations?” And I have the transcript for you right there. So, we discussed that right after that meeting when we had the BC private meeting in Kobe and I'm very clear there was a consensus that says let's do two things. We'll get Mason and his team to develop our formal comment, and at the same time, Margie Milam was going to draft a simple set of suggestions that were responsive to Chris Disspain and the board, suggestions for what could be in the board's resolution.

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I circulated that a week ago. We discussed it briefly on our call two weeks ago. Now I will share that into the Zoom window. It is a one-pager. I attached it to the policy calendar. It was attachment number three. So, if you wish to bring it up on your own, bring up attachment three. Otherwise, you can look at the Zoom window. It's only one page long and I'd really like for us to approve this today and get it in as a letter to those board members, so it'll show up on the ICANN website. It will be on the correspondence page. It will be from Claudia to Cherine and Chris Disspain. But I wanted to make sure that the rest of the BC had a chance to discuss.

So, Margie Milam, as the author of this document, I ask you to just quickly explain. Then, Claudia, I think you were the only one who had a concern and I'll give you an opportunity to express your concern because we need to try to close this off today. Margie Milam? Margie, I don't hear you. Alright, maybe we lost Margie. This would be a good chance for Claudia. I know that you have edits you want to make to this that we haven't discussed outside of ExCom so far. Claudia, please tell us how you'd like to change this e-mail that we would send to the board. Claudia, are you there? Yeah, it's understandable. Zoom is a brand-new tool for all of us. In my case, I'm in a quiet office, so I'm just talking to the computer display and some of you have dialed in; I realize that's a different challenge. Claudia, we still don't hear you.

Alright. So, here's what we'll do. Claudia, I'm going to ask you to respond on list, on BC private. I'll send the original e-mail and I'd like you to respond with how you'd like to modify this document. I don't want you to work off of the e-mail from before, but rather off of this Word Doc, because then, Claudia, you can do your mark-ups and explain

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them to our colleagues. We'll probably have to allow a full day or so for the BC to review that. Okay, thank you.

I'll go back to the policy calendar. I think I can do this right. Next up is council and there's a lot going on in council. There hasn't been a council meeting since we last had our last call but they're next council meeting is tomorrow and it's a busy one. They have an agenda which includes a motion on whether council should adopt the response they want to send into the GAC Communique and I think that's a little bit controversial. Scott and Marie can discuss that.

But the important vote is item four on their agenda where they will vote in council on a motion about whether to accept four of the five recommendations from one of the working groups and send the fifth one back to a re-chartered working group, the same working group but give them a new narrow charter and I hope a call for new volunteers for them to work it out. And this has to do with the inter-governmental and international non-governmental organizations, so think Red Cross. What are their access to the rights protection mechanisms at the top level and second level?

So, your Executive Committee was split on that. Jimson and I looked at the fact that the BC voted significantly to approve all five recommendations in March of 2017, the last time we discussed it, and given that we approved all five, if we can get four out of five, we should take them. So, Jimson and I believe we should vote yes on a motion tomorrow. I do believe it will pass, given the quantity of interest on the contract party side.



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Now, Barbara and Marie had said they would prefer that we vote no and I have explained the concerns right in the e-mail that Marie shared with me, but this would be a chance for Marie to explain because it would be great for the BC to give our councilors a clear indication on how to vote and what to say in council tomorrow. I'd like to turn to you, Marie. Marie, not hearing you. I'm not hearing Marie at all. Marie?

For those who are dialing in, let me read what Marie had said. She thinks we ought to vote no because the way that the working group finished its work, it was whittled down to just a few members and there were minority statements against the results. The second is that she wonders whether it really delivered on their mandate to consider whether these – oh, now you're there. Go ahead.

MARIE PATTULLO: It took me a while to figure this out. I'm so sorry. Can you hear me? You can, I hope.

STEVE DELBIANCO: We do.

MARIE PATTULLO: Thank you very much. The main issue is actually slightly different from your introduction which I understand it's a very long and complex thing. The main issue is that recommendation five which is the one that most of the BC had issues with when we first started discussing this, when most of us [inaudible], is that the idea is to send rec five to the RPM Working Group. That's what the [inaudible] was proposing. That the

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number of people who have concerns about that and believe it should in fact be sent to a specific working group charter just for this issue. That's really the [main thing]. It's really for the BC [inaudible] five.

But as we said, the IPC I believe – I'm not certain, but I believe it's [inaudible] again. I've also had some other [inaudible] but we don't [inaudible].

So, it is a very complex thing. There have been many mails. And I know that Susan is also on [the lines] with the expert on this, if she wants to say anything. I will stop talking. Thank you.

STEVE DELBIANCO:

Thank you, Marie. Susan Kawaguchi, anything you want to add? At this point, I would say that very few people have weighed in to my request to hear from folks, and I did say until the end of the day today, so Scott and Marie can do it tomorrow. But anyone want to weigh in now?

The current tally is that a slight majority believes we should say yes on the motion and take the four of the five that we support but that could change in the next several hours, so take until let's say midnight west coast side, west coast US time, tonight to indicate. And you can reply all or just reply to me, whichever you wish. But we're currently at about four to two in favor of yes. Anything else on this topic?

Susan, if you're asking if we can hear you, we cannot. Okay, fantastic. Thank you. I'll go back to the policy calendar.

Okay. At this point, Marie and Scott, is there anything further you want to talk about with regard to council? I'll turn it over to you.

MARIE PATTULLO: Can you hear me still?

STEVE DELBIANCO: Perfectly.

MARIE PATTULLO: Great. Firstly, thank you to everybody from the outreach committee with expertise on the fellowship. We've got quite a few changes to something else that we'll be accepting tomorrow which is how the GNSO should be looking in the future to choose the fellows. They just need to [inaudible] put on that.

You mentioned the GAC Communique. The main issue that we're clearing up at the moment is that the drafters of the GNSO Council's response to the communique [inaudible] would be a good idea to suggest there should be no other parallel technical [inaudible], which is code for let's not [have the TSG] [inaudible]. But I think we got around that by changing the wording which seems to have been accepted. [inaudible] person who has helped with that [in the expert].

Apart from that, the only other [inaudible] tomorrow but we're also going to be hearing that on IDN variance. I'm going to take my honest feedback here and say I know the [inaudible] about IDN variance. I think you guys [inaudible] looking at tomorrow. If you do have any comments, questions, queries that you want [inaudible], then please let us know. Thank you.

STEVE DELBIANCO: Scott and Marie, anything more on council including the draft letter on the privacy and proxy services accreditation implementation?

MARIE PATTULLO: Yeah. Sorry. [I forgot one]. Okay. What's happened here is that you will remember that we should be in implementation of the [proxy-privacy] and we're not. We're not because let's put everything on hold because of the EPDP. And then we brought it back to the council people at our last meeting in Kobe and basically said from the [inaudible] BC and the IPC we don't quite understand why can't we implement things as policy now. Can we please get a move on?

And there was a bit of toing and froing and the end result was some of it is still potentially going to be affected by the work within the EPDP. Some of it isn't. So maybe we could parse out bits that we can get ahead with implementing. The [inaudible] of that is Keith Drazek, the GNSO chair, has drafted a letter to go to GDD, to ICANN Org, part of which goes to this issue and it says because we can't agree [inaudible], we think that Org should agree on the timeline as to when we start or don't start on this implementation and it would be nice if we can actually parse out these issues to figure out can we [inaudible] on some.

I have sent the letter to the people I know who are the most interested, and of course, Steve, if you want me to send it to the entire [inaudible], I'm very happy to do so, bearing in mind it's a draft.

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STEVE DELBIANCO: Scott, anything further from the [inaudible] council?

SCOTT MCCORMICK: No. Marie covered it.

STEVE DELBIANCO: Great. I'd like to go to Barbara Wanner and Claudia to the extent you want to cover on this. At the very end of the policy calendar, I indicated the questions about Marrakech meeting and what would be the high-interest topics or the cross-community topics that would be surfaced. I indicated the five that are currently under consideration but indicated that we have until April 19<sup>th</sup> I think to submit further topics or even comment on the five that are there. So, Barbara and Claudia, anything further to add? Claudia, have you figured out how to get things connected yet? Alright, I'll take that as a no, but please, BC members – and thanks to Marilyn Cade who has already replied – we should comment whether we think these are the appropriate five. I don't have any confidence that they're going to pick five. They might only pick three based on a schedule of a meeting that is only four days long. We may or may not get all of those.

Let me turn it back over. Chantelle, what else do we have on the main agenda which you can re-display?

CHANTELLE DOERKSEN: Hi, Steve. Next on the agenda would have been the CSG report but I know that Barbara had sent tentative apologies. So, next would be ICANN 65 planning and then over to Jimson for operations and finance.

STEVE DELBIANCO: Please, Jimson, go ahead.

JIMSON OLUFUYE: Okay. Greetings, everyone. Thanks, Chantelle and Steve, for the coordination. First and foremost, on the GNSO Council NomCom elections, notification was sent to the list and we expect members to nominate their candidates by May 6<sup>th</sup>, between May 6<sup>th</sup> and May 20<sup>th</sup>. So, let's wait until May 6<sup>th</sup> to make our nominations. And the [DPA] is already on the list, so I don't need to go by the process again but to mention that we are just one councilor seat and currently Marie is occupying that seat for 2019 to 2021. We also have two Nominating Committee seats that are open for the large business seat and the small business seat.

Next would be on ICANN 65 outreach. Our outreach strategy for FY19 continues to be pursued by the outreach committee as we [inaudible] ICANN 64. So, I believe outreach committee plan for ICANN 65 – I believe Marilyn is on the line. Marilyn, can you give us a quick feedback on your plan for ICANN 65? Are you there?

MARILYN CADE: I am. I hope you ... Yes, you can hear me. So, thank you, Jimson. I just want to mention that we do continue to have follow-up with [Capison] and also with others from [JATES] from Japan regarding trying to recruit a company from [inaudible] and also from [JATES] board to join the BC, so that dialogue continues. For Marrakech, because it is a short

meeting, we will try to prioritize using our three CROP seats which still – we need to use them by the end of the fiscal year. Lawrence has submitted a request to the Executive Committee to participate in what is the Regional Internet Registries annual event called the African Internet Summit.

There is also a draft underway between [Mamud] from [Tagi], one of our members from the [MENA] region, so North America and Arab states. [Marinola] has just asked to join that which would allow us then to propose using those two CROP seats for those two members with the idea being that outreach will be very focused on contacts from business that [Tagi] has in the region. We rarely have the opportunity to engage with businesses from the Arab countries and North Africa, so this event will be – this outreach will be fairly targeted. [Mondini] will not be doing a lot of support as he has in the past since it is a policy meeting, but he has agreed to cooperate with us, so we wouldn't have, for instance, a separate event. We would be trying to do a smaller engagement very targeted on those businesses that are coming that we can identify in the registration and also using [Tagi's] contact to especially [invite] up to ten companies from Morocco, Egypt, Lebanon, and Jordan, and Tunisia as well as then of course any new business that comes in from the rest of Africa.

JIMSON OLUFUYE:

Okay. Thank you, Marilyn, for that snap overview. Yes, I believe the time is short. We'll still use it to [inaudible] engagement in Marrakech. Thank you, Marilyn.

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Talking about CROP, yes, we talk about how we're going to use those three CROP opportunities. CROP is Community Regional Outreach Program funded by ICANN. And a special interest invitation has been sent out by Claudia, so we expect our members to respond by April 23<sup>rd</sup>. It also contains invitation to a [special of interest] to use the remaining funding for outreach, November 19<sup>th</sup>.

Next will be on the invoice, just to let us know that invoices for FY20 will be going out by May 1<sup>st</sup> to give everyone 60 days before the end of FY19 which will [inaudible] by June 30<sup>th</sup>. So, this is just for you to watch out [inaudible] mail as it is [inaudible] maybe by May 1<sup>st</sup>.

I don't know if Mark is there. We are close to the top of the other. Mark has been our GNSO fellows mentor. Perhaps maybe if there is any feedback concerning this activity, Mark are you there?

MARK WILSON:

I am, Jimson. At this point, I don't think there needs to be a lot of follow-up. I'm still learning my part of the process and have been reaching out to other people who have done some fellowship work in the past. Let me get more info and if I get something that's worth sharing, I promise I'll share it with everyone.

JIMSON OLUFUYE:

Yes. I trust you are more than able to do an excellent job for us, so I look forward to your feedback. So, on this note, I want to say thank you. Back to Claudia or Steve or Chantelle.



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CHANTELLE DOERKSEN: Thank you, Jimson. This is Chantelle. Steve had to leave. Claudia, are you able to speak at this point? Okay. Hearing none, are there any items under any other business that one of the BC members would like to raise?

JIMSON OLUFUYE: Yes. Claudia just mentioned she is trying but maybe there is a glitch with the phone communication. I believe that will be tackled by the next meeting. Thank you.

CHANTELLE DOERKSEN: Thank you, Jimson. And Claudia, I'm happy to stay on the line and see if we can work through this after today's call. Is there anything, Claudia, you'd like to raise via the chat before we conclude?

Okay, seeing nothing from Claudia ... Yes, Claudia mentions in the chat that the high-interest topics and the community session topics are due this week and to please let her know if there are any inputs since she will be submitting that to ICANN staff.

With that, Jimson, with your permission, I'd like to go ahead and close the call.

JIMSON OLUFUYE: Yes, please. Thank you.

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CHANTELLE DOERKSEN: Thank you, everyone, for joining. This meeting has been adjourned.  
Goodbye.

**[END OF TRANSCRIPTION]**