CHANTELLE DOERKSEN:
Good morning, good afternoon, and good evening. Welcome to the BC Members call on Wednesday, August 28, 2019. In the interest of time, attendance will be taken via the Zoom room.

I would 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.

CLAUDIA SELLI:
Thank you very much. And thank you very much, everybody, for participating to the BC call today. In the interest of time, I will leave the floor to Steve to start with the policy discussion.

STEVE DELBIANCO:
Thanks, Claudia. I sent a policy calendar just yesterday. I'll bring that up now in the Zoom room, but all of you have it since I sent it yesterday. We have one comment filed since our last meeting, and it was a comment on the intergovernmental organizations and international nongovernmental organizations access to curative rights protection mechanisms.

I want to do a big thank you to Zak Muscovitch for leading that draft and doing, I think, a really excellent job. And then we have Andy Abrams, Jimson, and Marie helping with edits.

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.

We sent that in, and about the same day, the GAC itself sent GAC advice to the board where the GAC told the board it prefers that the board abstain from making a decision on the recommendations "to allow parties sufficient time to explore possible ways forward."

That's typical government speak, and I have no idea how our board at ICANN is going to react to advice to simply abstain. The bylaws set out certain requirements for our board to react when recommendations come over from a PDP that have been endorsed by the GNSO Council. I think the board will not be happy about abstaining and just leaving those recommendations on the shelf for an indeterminate amount of time. So it's my guess that the board will nonetheless proceed with the IGO/INGO.

Happy to have a discussion on that. Any other BC members have any reactions? All right, I don't see any hands up, so I'll move on to the next one. We have open public comments right now that are zero, nothing open from the ICANN public comment forum. But there are three comments that we need to get working on.

The first, we're well ahead of the game. It's a survey that ICANN org has put out on the program that it runs called the NextGen program. That's a program that gives access to an ICANN meeting for students and academics who are in the region where ICANN is holding its public meeting. The survey is inviting anybody who wants to reply, and they're inviting responses by 9 September.

Mark Datysgeld, I wanted to thank you for pulling together a draft BC response. I'll bring it up in the Zoom room right now to see whether we

have discussions on the call now. Mark, are you on the call today? I actually don't see Mark Datysgeld on the list. Are you on the phone, Mark? Do BC members have any reaction to Attachment 1 to my policy calendar which was Mark's draft on the NextGen program? We'll be submitting it on behalf of the BC, and I will probably send out a last call for all of you to take a look at it then.

The next one up has to do with ATRT3. ATRT is the Accountability and Transparency Review Team. The 3 means that this is the third time that ICANN has done these five-year reviews of accountability and transparency. Tola represents the BC, and in fact the entire Commercial Stakeholders Group, on ATRT3. At this point, Tola's not on my Zoom chat. Tola, have you dialed in? All right, this is interesting today.

I'm going to share on the screen right now the actual ATRT survey. I know it's hyperfine print, and I'm not asking you all to react to it. I'm giving you a sense that it's extremely easy to fill out. It's got a lot of multiple choice and places for explanation. It delves into things like what we believe from the BC are things ICANN can do to improve its, ICANN org's, accountability and transparency.

There are several questions near the end I wanted to bring to your attention. ICANN org is focusing on things like the Empowered Community which we created as a result of the transition. On that Empowered Community the GNSO is one of the five groups represented. They're wondering in this survey whether the Empowered Community can be purposed for other decisions and recommendations like prioritization of recommendations that come out of a team.

I think that is a consideration well worth having. But keep in mind that if the GNSO gets only one of five votes and the recommendations have entirely to do with the GNSO itself, I don't really know that it makes sense to have ccNSO and a bunch of other groups getting in the way of reforms that the GNSO itself has recommended.

What I could use now is a volunteer or two from among BC members who could assist at taking a first draft on filling out this ATRT survey. Can I get at least one extra volunteer? I'm going to obviously enlist Tola, but any of the rest of you who have previous experience with these ATRTs, the Accountability and Transparency Reviews. All right, not seeing any hands, that's unfortunate because it's not a difficult one to work on.

I'm going to go back to the policy calendar. [knocking] Give me one moment to answer the door here. All right, so that's the second item that's open. The third is that Marie has called our attention to the fact that ICANN org is planning for the next round of gTLDs. We know there's quite a bit of pressure within org to fire up its new gTLD approval machine, and there's pressure on org from the business interests that want new gTLDs.

Because of that, Cyrus Namazi who is the SVP for Global Domains sent around a note on our last call indicating that what are the baseline assumptions that ICANN org has. They've already shared them with the ICANN board. Those assumptions would underly what are the conditions necessary for us to launch the very next gTLD round or opening of an infinite number of rounds.

Marie, I'd like to turn it over to you because you've got a draft which I attached to the BC policy calendar. It's Attachment 2. And I wanted to thank Marie, Mark Datysgeld, Statton, and Lawrence for working on that. Marie, think about how you want reaction from the BC membership on this call. Marie?

MARIE PATULLO: Thanks, Steve. Can you hear me okay?

STEVE DELBIANCO: Perfectly, thank you.

MARIE PATULLO: Great. Thank you very much. The point of this work coming out of Cyrus' team, so out of staff in ICANN, is not about policy. It's about ICANN as an organization gearing up, getting ready, being prepared for the new round of gTLDs wherever that may happen.

Now this, of course, brings a number of things to the fore. We haven't yet actually got the policy decisions on how it should happen, which means it is difficult to put in place operational – for example, staff, budgets, workplans – operational things when you don't actually know what they're going to be implementing.

Staff has been very clear that they see it as a parallel effort, that they won't do anything until they actually do have the policy answers. So we've been discussing this on and off in Council for a few months now,

and we do have Cyrus coming and talking to Council last week which is in addition, Steve, to what you see in front of you.

There was a lot of pushback from Council which came into some of our thinking as well, which was where are these numbers coming from. You're assuming we're going to have the same number of applications as last time. Why are you assuming that? Why are you assuming that this number could be put into the root or should be put into the root?

The answers from Cyrus were basically a lot of words that said we're guessing. So that got an awful lot of pushback as you can imagine from some of the more data and technical focused members of Council.

Leaving that aside, however, I think it is important that as we have been invited to respond, we should respond. So as you see, our proposal is based a lot on what Mark has said about the really big problems with universal acceptance. I see Mark's on the call so, Steve, when I stop talking I would ask you to call on Mark afterwards.

The main comments we've had from BC members, so huge thanks to Statton and to Lawrence, from Statton it is that understandably there are a lot of clients at MarkMonitor who do want to see a new round as soon as possible. So he has made some amendments that in essence suggest we don't really need to wait for the reviews and the policy before we start moving forward.

So my question to the BC as a whole on that is, although of course I do see Statton's point of view, it does go against what BC policy has been around this the last few years.

Secondly, on the universal acceptance parts which are Mark's, it is really quite straightforward. It doesn't pull any punches. Lawrence thinks we should tone that down, and Mark basically said, "Yeah, okay, but it's the truth."

So that's where we are. Steve, do you want to turn this over to Mark now?

STEVE DELBIANCO: Yeah, please, Mark. Mark, we're discussing the draft reply to GDD's assumptions underlying the next round.

MARK DATYSGELD: Can you hear me?

STEVE DELBIANCO: We do.

MARK DATYSGELD: Perfect. Essentially, my comment with the help of Marie has been that universal acceptance has been neglected by ICANN. Working in the frontlines of the project has been very enlightening for me for the past almost two years now as in they probably support it. They are willing to give us venue time like main sessions and things like that, which is interesting. But when it comes to actually, "Okay, we need money to fix things in this way and you promised us $1 million worth of funding," it becomes this game of, "Talk to legal."

I'll just give an example just to give context to everybody here in the constituency. Just to do this research which was where is universal acceptance at which I happened to lead, we took over four and a half months to get a contract out of ICANN from something that was approved by leadership and the community and went through a lot of scrutiny before actually getting started.

So this is unacceptable. We can't have this lead time for something that's basic. Imagine when we actually get into the things that we need to get right now. We need to get into fixing code. Getting people really involved from development communities.

This is where we are at. ICANN is not treating this seriously. To them this is a weird little project that's a side note. It's not. It's the basis of getting new gTLDs to work. And in my view, if they want to sell more new gTLDs, we can't let them just go, "Okay, only 50% of Unicode gTLDs work across the Internet, but we're fine with that." They shouldn't be fine. They should not be allowed to sell a product that's defective, and they're not even doing their best effort to help us fix it.

That's my general position, although I would agree to any language that you guys find better suitable. I'll end for now, but I'm open to discuss [the comment]. Thank you.

STEVE DELBIANCO: Thank you, Mark. As Marie pointed out, what I have on the Zoom screen is one of the key decisions the BC would need to make to respond on this comment. In the BC's prior assessment of the last round of new gTLDs, we had stated the BC position which was approved by the BC

that we wanted to complete the reviews and the implementation of recommended improvements before the next round would begin. These are reviews that are relevant to the last round of gTLDs.

Marie and Mark and the drafters have that in here. It's highlighted in purple on the screen in front of you. Statton observes, do we really want to have that? Do we want to hold the line on that particular rhetoric or use this opportunity to relax that position in some way?

This is not as black and white as you may all think it is. I'll give you an example. The CCT-RT – the Competition, Consumer Trust, and Consumer Choice Review Team – came up with dozens of recommendations, and ICANN is only now figuring out the priorities of over the next several years how they would implement them.

It's likely that if the BC held to the position that all of the reviews relevant to the gTLD [route] must be completed and all of the improvements recommended have to be implemented, that we would be years away from the next round. So it may well be that if the recommendations have been approved but not yet implemented, that implementation could occur in the context of the next round. I'm just suggesting that as a nuanced way of addressing it.

I do think we want to [take] the position that reviews be completed, and I do think we want to stick to the position that recommendations for improvements be approved. But implementation is something that could happen in parallel. Any views on that? Marie, what are your thoughts on that.

MARIE PATULLO: I agree with you, Steve. You can see what I drafted originally. I do completely understand the perspective of companies that want to buy a .brand or others who want to [inaudible]. But to me it's [a basic] question of logic in that there doesn't seem a lot of point in us moving forward into a new [inaudible] if we know that there's going to be problems with it. So it strikes me as just being let's deal with what we know are problems before we actually start building a house on sand. Thanks.

STEVE DELBIANCO: Thank you. I'll note that Lawrence casually observed he thought the tone was [strident], but I'm not sharing that view. I believe the tone is appropriate and unless Lawrence comes back with edits to the document, we'll stick with the tone that you have. Lawrence, I don't know that – I don't see you on the call, and it's going to take more than just an observation to move the [inaudible] get in and do some editing if you wish.

What is the deadline for this particular document, Marie? Because I can't really understand it. [Are we speaking of] mid-September?

MARIE PATULLO: This is great. I really wish I could answer that one. They have been saying – they being staff, I'm sorry – since June they've been saying that the deadline is 30 August. They have put out weekly updates. They do weekly newsletters to the Council, to the leadership saying the 30th [inaudible]. [inaudible] 30 August until we had a Council meeting last

week when they started saying end of September to get the Council comments. So, so far as I know, Steve, it's 30 August.

STEVE DELBIANCO: Thank you, Marie. Chantelle, could you please today determine from staff, GDD staff, what is the deadline on these comments on the next round? Things that were initially issued by Cyrus. If it is in fact the 30th, a couple of days from now, we're going to end up sticking with the draft we have since it reiterates a lot of previous BC positions. If in fact we have until the end of September, we have the time to debate something more nuanced. So, Chantelle, thank you for looking into that after the call.

I'm sorry. Did I see a hand up and miss it? It's a lot to keep track of, so I'm sorry that I may have missed it. Vivek, was that you? Someone? Please, speak up if somebody wants to say something.

VIVEK GOYAL: Hi, Steve. Can you hear me?

STEVE DELBIANCO: We do.

VIVEK GOYAL: Steve, I've been working with the working group for the next round of gTLDs, and I just want to understand where does this feedback and this reply that BC is working on fit into that process.

Because my understanding from what I listen to and participate in that process is that we are working full steam. There are two meetings every week of one and a half hours each to go through every policy that was implemented in 2012, taking the comments of all the working groups, [work it out] as fast as possible so that we can finish on time and on the schedule to start the second round. And the second round cannot start until the policy work has been completed [inaudible] and then [inaudible].

So [inaudible] Marie or somebody can help me understand this one in the context of the [inaudible], that will be helpful. Thanks.

STEVE DELBIANCO: I'm referring you to the screen in front of you, the policy calendar for the last two weeks. I want you to look at what Cyrus Namazi wrote. You see it in front of you? Where he claims that the PDP working group expects to publish its recommendations by December. That's talking about [you].

Those recommendations may lead to changes. Nonetheless, the organization of ICANN is preparing ahead of your recommendations, trying to do prep work for planning and implementing the new policy that you come out with in December. So they have compiled a number of fundamental operational assumptions to help them do their preliminary planning.

So the answer to your question is in the plain words that Cyrus wrote. We didn't ask them to do this parallel process. They've decided to do it in order for org to be ready. It means that we have to manage both sets

of expectations. So please take a look at what Cyrus wrote, and you'll understand now how these two interact. Vivek, does that make sense?

VIVEK GOYAL: Yes, Steve, it does. I am reading through it. When this came out, it [inaudible] surprise for the PDP as well because some of the assumptions, we were not clear on where they came [from].

STEVE DELBIANCO: Why don't we assume the assumptions came from ICANN org. Cyrus wrote this. It's a staff-driven document. It's been out for two weeks, so I would have expected that your PDP group will have had two weeks to examine this and understand the reaction to it. Has there been a discussion during your meetings?

VIVEK GOYAL: I'm not sure. I have not been able to attend for the last couple of meetings. But let me go back and figure out [inaudible].

STEVE DELBIANCO: Yeah, please go back and look at the transcript of the meetings that you missed. And since you brought this up, Vivek, it would be a valuable contribution to your colleagues on the BC if you let us know what that PDP working group thinks about these assumptions coming out of ICANN org.

VIVEK GOYAL: Yeah, definitely.

STEVE DELBIANCO: Tola, thank you for joining. Because you weren't on at the beginning, I'm not going to go back over it again, but the ATRT3 summary survey, we are going to have BC responding to that survey. And it's going to be at this point yourself, Roger Baah, and me drafting BC responses that we can send around to the rest of the BC members to review.

ADETOLA SOGBESAN: Okay. That's okay.

STEVE DELBIANCO: Thank you. All right, on the BC policy calendar, I'll scroll down to the next one, when it comes to the new policies to address GDPR for WHOIS. That continues to go very rough and last week and this week I am as your alternate filling in for [inaudible] who is taking a well-deserved vacation.

So Mark [inaudible] and I will be on two calls tomorrow. We'll have a prep call tonight. So any BC members who are part of the bc-epdp please join tonight's prep call since we are prepping for two EPDP calls that will occur tomorrow on Thursday. I don't see Mark on the call, so I will take questions if anybody has them on where we are with respect to EPDP 2.

Okay, I don't see any questions. So Channel 2 is [over to] Council. So, Marie, I'll turn it back over to you and to Scott to see if you want to cover anything on Council. Go ahead, Marie.

MARIE PATULLO: Thanks, Steve. I've already sent out both the notes that I took and the draft minutes from the Council themselves, but two main things. One about the EPDP (what a surprise), another one about accuracy.

Briefly, the one about the EPDP is about Phase 1. You'll remember the board did not adopt two of the recommendations. They have written a letter to Council explaining that. Council is going to write a letter back to the board asking them some more questions, getting some clarity.

As the BC we managed to get a slight amendment to that letter which is that not everybody in the Council thinks that deleting the organization field is such a great idea. Which might beget another slight amendment to that letter which is we the BC and also our colleagues in the IPC think that there should be an instruction coming out of Council to tell the Phase 2 team to get cracking on the wording for third-party access, otherwise known as Recommendation 1, Purpose 2.

We have no chance, we haven't got a cat's chance in hell of getting that through. There's a lot of pushback in Council, but we are hoping we can at least have the letter make it clear again that not all of the Council think that everything is fabulous and wonderful.

The other point on accuracy is even more bizarre. It's incredibly bizarre. I just sent a letter around that you will see if you've got time to read

your e-mails. But in essence, at the end of Phase 1 there was an agreement that the guys going into Phase 2 would look at data accuracy. Now to me that is logical. To most people that is logical. Apparently, according to the rest of the world that is absolutely not logical. ICANN org, so the staff, have written to the Council saying, "What are you actually doing about accuracy? How are you going to discuss it? are you doing anything about the accuracy reporting system?"

Well, the Phase 2 group are looking at accuracy, and they have asked for lawyers to give them some help. So that should be our answer to the staff, so the BC thinks. We had a really bizarre conversation in the Council last week that can be summed up with saying that the noncommercial people think that the EPDP should not be looking at accuracy at all. [It's] outside the charter. It has no right to look at accuracy in any shape, way, or form. Which led our IPC colleagues to suggest that maybe we should just build a policy based on inaccurate data then. That's a really good idea.

Also, we got a lot of pushback from our colleagues the registrars who don't want to discuss accuracy ever in any way whatsoever because there's no definition even of what accuracy is. So it's all a little bit strange. Back to you, Steve.

STEVE DELBIANCO: Thank you, Marie. I can sense the frustration in your voice, and it's completely understandable.

MARIE PATULLO:	Oh, do you think so?

STEVE DELBIANCO:	It's tilting at windmills in Council when you and the IPC are the only ones who want to maintain the integrity of identifiers for registrants. Thanks for all the you're doing in that regard. Any questions for Marie? Thank you.

Channel 3 is our liaison to the Commercial Stakeholders Group. There's nothing new in this section of the policy calendar since two weeks ago except for this. Tim Smith, our Canadian colleague who runs [inaudible] has volunteered to help organize an in-reach program when we meet in Montreal for ICANN 66. It looks as if that's going to be Wednesday evening.

It's called in-reach because we actually want to try to come up with ways for BC members who are attending the meeting to spend some social time together. I talked with Andy Mack yesterday who said he was going to suggest to Tim some interesting questions that could be teed up for BC members to have a better chance to get to know each other as part of that social.

So, Tim, thanks to you for taking the lead on organizing, and look for more details. But please save the date of Wednesday night while we are in ICANN 66 for a BC function.

I don't have anything else [inaudible] in that section of the policy calendar. And Barbara Wanner has given her regrets for today's meeting. With that, we're done with the policy calendar.

Chantelle, I can turn it back over to you to put up the agenda. And, Claudia, you and Jimson can move on to the next part of the meeting. Thank you.

CLAUDIA SELLI: Thank you very much, Steve. I don't have any further update concerning ICANN 66. I then leave the floor to Jimson for the update on operation and finance.

JIMSON OLUFUYE: Hi, everyone. I don't know if you can hear me clearly. We have some network issues down here. Can you hear me?

CLAUDIA SELLI: Yes, we can hear you, Jimson.

JIMSON OLUFUYE: Okay, great. [There really isn't much in this] except that in regards to our [election] [inaudible] for [inaudible].

CLAUDIA SELLI: Jimson, I think we lost you. Are you still there?

CHANTELLE DOERKSEN: Hi, Claudia. I'm redialing Jimson to get him connected. He was experiencing connectivity issues.

CLAUDIA SELLI: Okay, thank you.

MARIE PATULLO: Just while we're waiting to get Jimson back, to let you know that Keith Drazek has been officially nominated to be the chair for the new Council as we expected. Thanks.

JIMSON OLUFUYE: Hello. I'm back on. So sorry for the glitch. Okay, as I was saying, [inaudible].

CLAUDIA SELLI: Chantelle, can you check with Jimson if he is able to reconnect?

CHANTELLE DOERKSEN: Hi, Claudia. According to Zoom his phone is connected. I know he is experiencing connectivity issues with his phone line as well.

JIMSON OLUFUYE: Hi.

CLAUDIA SELLI: Jimson, are you back?

JIMSON OLUFUYE:	Hi, can you hear me?

CLAUDIA SELLI:	Yes, now we can hear you. Jimson, are you there? Because otherwise I agree with Chris that it would be helpful to receive a summary if it's not [inaudible].

JIMSON OLUFUYE:	Okay, so sorry. So sorry. A lot of network, modem, and [inaudible] issues. Well, there isn't much to present to us today other than to remind those about the [elections] coming forth shortly, that is the officer selection from September 9-October 1 when this will be concluded. Chantelle will be sending more details shortly as a reminder to everyone of us.
	Also, to remind members that to vote you will need to have been in good standing. We all need to pay our dues. We are working on the compilation. At this moment, we are about 82% compliant. We have 82% of our members that are fully paid up. So I want to encourage the remaining 18% to get in touch. If there are issues, let us know [inaudible] we can tackle that in a legitimizing the leadership.
	So [inaudible] I think that's all for now basically. The newsletter [inaudible] some very good articles from some members. Very good articles. I want to encourage others to still [pen] something, less than a page, just information about your [impression,] what you've been doing, and what you think you've benefited from being a member of the

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BC. That could be helpful. It will be encouraging. So we like such messaging in our newsletter.

With regard to the outreach itself, the outreach committee are meeting [inaudible] Claudia might have informed us of the progress so far. We are looking at in-reach. That is where the members can really get together to know, to get acquainted to one another. We've always been so formal at our meetings, but it will be good for a change to be around and get to know one another.

So apart from the in-reach, there are plans for outreach. Just as we did at previous ICANN meetings wherein we collaborated with IPC and ISPCP, we hope to do something like that too [inaudible] at ICANN 66. The outreach committee is working hard with Claudia [inaudible] to ensure that we have a good outing again. It's going to be quite relevant and informative. It's [inaudible] the outreach that we will do.

And the notice for expressions of interest might be repeated maybe before the final period, so [please] watch out. If you have any interest in using any of the BC's support funding and ICANN support funding, please let us use it. Because if you don't use it, it means we don't need it, okay? So it could be for in region activity or it could be with regard to [inaudible] development and what have you.

So that is it for now, but please note we're compiling lists of compliant members. So we have reached 82% threshold for payment, so we want to encourage the 18% or our members that remain yet to pay their dues to please get in touch if they're having one issue or the other.

So on this note, I again thank you. I want to apologize for the glitches. Back to you, Claudia.

CLAUDIA SELLI: Thank you, Jimson. Just checking whether there are questions for Jimson. Okay, I don't see hands up. Any other issues or things that members want to bring up today? No?

So with that, I thank you very much for your participation, and we can adjourn the meeting. The next meeting will be held on 11 September. Thank you very much, everybody.

[END OF TRANSCRIPTION]