
CHANTELLE DOERKSEN: 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 background noise.

With this I'll turn it over to our chair Claudia to begin. Claudia, please go ahead.

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

STEVE DELBIANCO: Thanks, Claudia. Can you hear me okay? Can everyone hear me okay? Just checking.

CHANTELLE DOERKSEN: Yes, we can.

STEVE DELBIANCO: Fantastic. Thanks very much. The policy calendar should appear on your screens right now. I circulated it yesterday with a lot of attachments. There's a lot going on even though we only have two open public comments right now.

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.

The first thing I'll do is summarize things. [On] our last call, we filed two public comments, both of them yesterday. We filed on ICANN org's planning assumptions for the next round of gTLDs. Again, this was the organization coming up with what they think the operational assumptions are as they staff up and get ready for the next gTLD expansion.

There was some concern that this overlapped and contradicted work on subsequent procedures. But this wasn't the time to raise a process point. Instead, we attacked the substantive assumptions that ICANN org has come up with. We reinforced some and differed from others. I want to thank Marie, Mark Datysgeld, Statton, Jimson, Lawrence for all the work we've pulled together.

We did say that ICANN org needs to approve recommendations that arose from any reviews of the prior round but that not every recommendation had to be implemented prior to starting the next round. We did, however, say that all the recommendations had to be implemented before delegations would begin.

The second thing we filed was thanks to the good work of Mark Datysgeld since he was familiar with the NextGen program at ICANN, perhaps unique among BC members. And therefore, Mark was able to draft an excellent comment from the BC with a lot of, let's say, very constructive suggestions for ICANN to improve that program. This is the NextGen program, not to be confused with Fellowship and the other things that ICANN does. So we filed that as well.

Let me turn to the open public comment opportunities. There are two of them right now. I scroll up to the top. The first one is ICANN continues to say how do we improve this multistakeholder model that we have. This was one of Cherine Chalaby, the prior chair, one of his initiatives. To help pull that off, he hired Brian Cute, former CEO of PIR. A lot of you have seen Brian at the past two ICANN meetings get up and moderate a session where he's trying to pull together a set of recommendations and to prove the effectiveness of the multistakeholder model.

Now we commented in June on this thanks to great work by Mark, Zak, Jimson, Andy, and John. And ICANN has taken all of those comments and come back with what they want to do next. I shouldn't say ICANN. In many respects it's Brian Cute who is driving this bus. I would like to turn to Mark Datysgeld to walk through. Mark, walk through for us what you believe they're about to do and how that should guide our comment opportunity. Mark?

MARK DATYSGELD:

Thank you very much, Steve. To everyone that hasn't had the opportunity to read these next steps, Brian did something rather "cute" I might say because he [worded things] quite neatly. If you look at that comment, you would think we are about to solve every problem in ICANN. That's what is very concerning to me. A lot of things seem to have a solution in place when they really don't.

I pointed out on my comment and Steve brought it to the calendar Issue 7, Complexity, which has been reduced to the participation of

governments. But it goes much deeper than that. When you look at Issue 4, Roles and Responsibilities of ICANN, for example, his solution is the bylaws address that. That's not exactly what we're looking for.

So moving forward, I think we should strive to do something that's critical, constructive but critical because I don't think this reflects the serious work that the community put in. We put in a very big comment about how constituencies really tried their best. So I don't think this reflects the effort we put, so I think we should be critical of this. Thank you.

STEVE DELBIANCO:

Thank you, Mark. And then let's watch the list of participants. If anybody has any questions or puts their hand up, I'll enlist you to help Mark and I design a BC comment to respond to this. Mark already has a very good start for us, and so I would hope that Zak, Jimson, Andy, John, all of you who worked on the last comment, dust that off and please get back in the mix and help us on this comment. It's not due until 14 October.

As Mark indicates, this might be our last bite at this apple. Cherine wants this done before he finishes as chair. Brian Cute wants to finish his project. So there may not be another round after this one. This might be right back on it. So, John Berard, thank you for volunteering to help. So that's John, Mark, myself. How about, Jimson, you helped last time. Andy Abrams, go ahead.

ANDY ABRAMS: I can help again.

STEVE DELBIANCO: Fabulous. Thank you, Andy. That's great. All right, we have a good team. So we're going to pick up with what Mark did in his analysis and get a draft circulated to everybody. [inaudible] advance notice before October 14.

[inaudible] ATRT and since this is the third iteration, it's every five years that it happens, we call it the ATRT3. Tola is the CSG representative on that program and, Tola, are you on the call? I'm looking. Tola, are you on the voice line? No. So Tola last night was working a little bit with Roger [inaudible]. Thank you, Roger, for volunteering. And came in with a draft. I'm going to put the draft up in the display because we have to make this final in the next three days.

This is an opportunity to respond to a survey by the ATRT3 team where they're asking the BC whether we're satisfied or not and to what extent with elements of accountability and transparency at ICANN. I have a feeling this will strongly shape what that ATRT3 project will do. This is a project that has been co-chaired by, I believe, by Cheryl Langdon-Orr and Pat Kane of Verisign. So this is an opportunity to register concerns that we have which would never otherwise be surfaced.

So for example, in the draft you'll see in the red text Tola and I have said we're somewhat dissatisfied with the way that the board interacts because they continue to believe that the CSG is an entity when it's really just a label and the BC is part of that. Something we say all the

time is that the NCSG wants to treat the CSG as a single entity, and we're not.

As I scroll down a little bit further, I brought up something that we filed in that multistakeholder comment that I was just discussing with all of you is this idea that when it comes to the composition of the board, it's ridiculous that only two of all of the board seats, so the 15, [represent] GNSO when GNSO is 98% of ICANN's revenue and almost all of ICANN's policy work. So I think we ought to in the BC use this opportunity to raise that proposal which we've already approved within the BC, the proposal that two more board seats go to the GNSO. And that's two less than the NomCom would manage. Any objections to that? Any ideas?

All right, we are going to have an opportunity to fill this out by 13 September. So I think that Tola, Roger, and I will continue to [inaudible]. You may get a last-call draft from us in the next 24 hours. Anyone else want to interact and help us to get this done? Tola, I see you on the line now. Tola, do you want to comment at all on this draft.

ADETOLA SOGBESAN:

I'm just joining in. I need to follow where we are. If there's any question, I can provide. But this what we have put together [inaudible].

STEVE DELBIANCO:

Yeah, Tola, I would like to know, how firm is your deadline on 13 September? Could you check with ATRT3's co-chairs and ask if they would allow another week for this response? Could you do that and get back to us?

ADETOLA SOGBESAN: I doubt that because we just got off a call about an hour ago and one of the [considerations] was adhering strictly to the timeline. We have between now and the 16th for – we are going to begin analysis of the [inaudible] it would be gone already. We've started getting some percentages of responses according to SOs and ACs. I'm still going to ask, but I think it's going to be a bit difficult because one of the things we talked about today was ensuring we [didn't alter] the timeline we have designed. But I'll still ask and I'll get back.

STEVE DELBIANCO: Well, Tola, you mentioned a different date than I spotted. When I went to the screen for your wiki, I saw 13 September and you just mentioned the 16th. Which is it?

ADETOLA SOGBESAN: No, 13 is the closing, 16 is report on the analysis.

STEVE DELBIANCO: All right, then, the 13th is our deadline, and that is two days from now. So BC members, this is a key, we have a draft in front of you. It's the attachment to the policy calendar, Attachment 5. We need your ideas because it's going to shape the work of ATRT3. Do we have any other volunteers or suggestions?

Okay, I'll put the policy calendar back up. All right, so that's it for the currently open ones. Thanks, Tola. There's a section here in the policy

calendar on this huge process of modifying WHOIS policies to comply with GDPR. I'll highlight in yellow for you where we are right now. There was a Compliance webinar earlier this week. Attachment 6 on my policy calendar is the slides they presented by ICANN. And then Marie has circulated an excellent summary of what was discussed with regard to what Compliance is doing in implementing Phase 1 of the EPDP. I know that Marie was moving between meetings. I'm glad, Marie, that you're on the line right now. Did you want to say anything particular, Marie, about that Compliance webinar from earlier this week?

MARIE PATULLO: Hi, Steve. I would call on Susan Kawaguchi to do that because she was also there and is far more knowledgeable than me. Thanks.

STEVE DELBIANCO: Okay, but I don't....

SUSAN KAWAGUCHI: Can you hear me?

STEVE DELBIANCO: Go ahead, Susan.

SUSAN KAWAGUCHI: Okay, I was on that, and thanks, Marie. I thought it was interesting. There were a lot of good questions overall. What was interesting to me was there were over 1,200 compliance reports that they have received

since GDPR started or it went into effect. But only – and I could be wrong on my numbers – only 30% were really applicable. So they’re addressing those.

I did ask a couple specific questions about whether or not they were enforcing the Temp Spec when [inaudible] all information and [they’ll] even comply with the Temp Spec, and they said they do. But in general, it was a pretty standard Compliance session with, “Yes, look at what we’re doing. We’re doing all this hard work,” but it’s not very effective. That was my takeaway.

STEVE DELBIANCO: Marie, anything else to add?

MARIE PATULLO: I think my favorite quote [of it] was: “What action are you taking?” “Action” – okay. My second favorite one was: “So how many cases have you taken for people, compliance cases for registrars/registries who have not complied with the Temp Spec?” I think at the moment that would be zero. So that’s my two favorite quotes, Steve. Thanks.

STEVE DELBIANCO: Marie, thank you for doing that writeup. Really appreciate it. And then I would hope that Mark and Margie could describe what’s currently program in EPDP Phase 2, but they are in Los Angeles right now where they’re three hours behind us and have a 5-hour session this morning, face-to-face on Phase 2.

Now I've listened to the past 16 hours of the meeting they've had out there, and Margie and Mark deserve medals for entering that battle that is going on on EPDP Phase 2.

John Berard is on the line from the West Coast. I appreciate that, John. They started I think at 11:00 as well.

I have to say to you that things are going very rough right now on the EPDP Phase 2. I attached the first three items to my policy calendar are the response from the legal memo. This is the Bird & Bird law firm that we had enlisted to answer a bunch of questions about the legal feasibility under GDPR of creating an automated, standardized model for access to nonpublic WHOIS for legitimate purposes from accredited requestors. This has really been [inaudible].

Well, I have to tell you that in my policy calendar I've put in there in italics a quote in there that I'm really concerned about because I believe the legal memos have created additional uncertainties about this automated model. And they've giving the contracted parties justification and the NCSG justification to say that registries and registrars would still be at risk even under an automated model operated by ICANN for accredited.

And I agree, Statton, I'm very troubled by that memo. Correct me where I'm wrong, those of you that have been listening in, but I think that it's hard to believe that EPDP Phase 2 could be going worse at the face-to-face meeting. But I think the legal memo set us back.

I listened yesterday, two days ago as Göran and Elena explained their Strawberry Team, the work they're doing with the European

Commission and Data Protection Board. But they honestly have nothing substantive to report. They continue to work on a paper of some kind, but there's a question as to whether that paper would have any legal standing. So those of you who have been helping and listening in, anything you want to add to the EPDP Phase 2? Statton?

Okay, on the policy calendar I wanted to turn things over to Scott and Marie to talk about GNSO Council. Scott and Marie, please.

MARIE PATULLO:

Hey, Steve. Scott, please jump in if I forget something. We are smack in the middle of two council meetings, so there's not that much more to report from last time that we spoke with the BC members.

A couple of minor updates are that we, the BC part, we are still working to try to get a better deal on two letters. One is this infamous draft letter about the two recommendations under EPDP Phase 1 that the board did not adopt. We did push. We do have at the moment better wording which would – I'll just quote from the draft for you.

It's that although on Recommendation 1, Purpose 2, that is the third-party access, it specifies at the moment in the draft that "the Council does not expect it will need to take further action and would accept the board's non-adoption. But" – and this is the bit from Margie – "the Council will consult with the EPDP team to ensure it prioritizes and carefully considers the board's rationale for the non-adoption of Purpose 2 as part of its deliberations [and subsequent] work on this purpose. After such consideration, the EPDP should report back to Council."

Now that doesn't sound like much, but it took us about four or five weeks so far. I don't know where that letter is. It was supposed to be finalized last week. Circling back to an e-mail you just [received] from Steve, it was extended quite at length by the NCSG councilor on global public interest. And the [unhappiness] that the term public interest was used in the context that they do not believe is correct. We can go into that at a different time.

The second one is the response to Göran about accuracy. As you'll remember, Göran wrote to the Council and said under Phase 1 you pretty much said that you were going to be looking at some kind of accuracy in Phase 2. What are you doing? Clearly, I'm paraphrasing.

You also remember that we had a great discussion at the last Council meeting which essentially came down to me saying, "Yeah, accurate data is good," and the IPC saying, "Yeah, we think so too," and the rest of the Council explaining to us at great length why accuracy had nothing to do with the EPDP. And inaccurate data is something that should maybe be dealt with somewhere else. And nobody agrees on what accurate is anyway. And at this point I lost all logical capability.

Anyway, there is a draft letter that we have to reply to, to Göran, and the people [we] said [would] draft it were the IPC, me, and Darcy from the registrars. So I drafted up something based completely on the [inaudible] let's please have accurate data. And you want to know what we're doing. Well, the EPDP team is looking at it and they've asked for legal analysis. And by the way, it would be really nice to know what you ICANN are doing about accuracy for your own purposes.

And also again, thanks to Susan, noted that we'd really like to know when you expect to publish the RDS review team final report because its recommendations would be really useful.

Now Flip pretty much agreed with my draft but made a few very good technical comments. Darcy wants to remove approximately 90% of it as she thinks that "fundamental issue that needs to be addressed before anything else is the legal analysis on data accuracy requirements, data [processing], etc., [inaudible] Council to [jump into] directing ICANN org on what to do with ARS." And then she deletes, yeah, about 80% of the letter. I have replied to her saying I don't agree with her, but I don't know what's happening on that.

And, Steve, you are up to date on that as well. If I've missed anything, let me know. Or I'm handing over to Scott. Thank you.

STEVE DELBIANCO: Thanks, Marie. Scott, anything you want to add on Council?

SCOTT MCCORMICK: No, all good.

STEVE DELBIANCO: Scott, while you have the phone off of mute, tell us about the current status at the Security, Stability, and Resiliency review team. We call it SSR2 because I think we thought we'd see a draft report earlier this summer.

SCOTT MCCORMICK: Yeah, so we are planning on having another face-to-face in Montreal. Sorry for the background noise here. And then we will have a draft report out in Cancun, if not before that.

STEVE DELBIANCO: Any major conclusions, recommendations, or surprises?

SCOTT MCCORMICK: Not at this time. The biggest problem we've had is obviously resourcing. So now that we've gotten our resourcing squared away, we are at a good [cadence] now.

STEVE DELBIANCO: [inaudible] registrations and resolutions. Let me break that down because I'd like to propose that the BC resurrect that and push it. It suggests that availability of registrations and resolutions is making sure that anybody who wants to get a domain name, to register it be able to do so and that resolutions of those domain names are available 24/7/365 anywhere on the planet [geographically] and it should be in any script in any language for generic and country code domains.

Mark Datysgeld put a smiley in the chat because right now we have terrible availability of resolutions of domain names that you could register because of universal acceptance.

The second is integrity, and this is a big one for the BC. Integrity of registrations means making sure that the person who registered the domain name is the one who is entitled to do so and that it's not cybersquatting. That it isn't typosquatting or an effort to [do] abuse or fraud. Integrity of resolutions would be trying to combat things like cache poisoning, denial of service attacks.

At least six years ago, the BC came around to believe that the availability and integrity of registrations and resolutions is a clean and neat way to encapsulate what ICANN's limited mission with respect to the unique identifiers on public interest. Do I have any objection to proceeding with that again? Okay, we'll do that.

I'm going to go back to the policy calendar and turn it over to Barbara Wanner for the final section. Barbara, don't hear you. Barbara might be on mute. Okay, Barbara is listed on the participants list, but I don't hear her. So I'll indicate for all of you that on the policy calendar bottom of Page 3, there's Channel 3.

What do we have that's new here? The first thing I would say is that the contracted parties have endorsed Keith Drazek to stand for chair. Barbara, you could be "double muted," whatever that means. Barbara? Yeah, but I don't hear her, Claudia, so I'll just continue until I hear Barbara's voice, okay?

All right, and then for the [ICANN] meeting, Tim Smith is not on the line today. Tim, have you dialed in? All right, Tim Smith is helping to organize a BC event in Montreal. It will be Wednesday night. Tim is working closely with Andrew Mack and with Marie Pattullo on making it

a really fun event, not an outreach but an in-reach event. Tim's going to find us a really charming venue someplace in Old Montreal. We'll give you more details on that, but mark your calendars for Wednesday night.

Barbara and I have in here a link to the block schedule for ICANN 66 and the plenary sessions. But there is something we need to decide here today. The GAC's public safety working group wants to meet with the BC and the IPC while we're in Montreal. They have asked us for times, to pick our top two times from the schedule. We have attached in Attachment 4 the GNSO's schedule.

Chantelle suggests there are some potential clashes on these times. So if we were to meet with them in the early afternoon on Sunday, it clashes with the GNSO working session. That would mean that we would lose Scott and Marie, but the rest of us could probably still do it. Then there's another clash on Sunday night because of a reception between the CSG and the GAC. The other opportunities are Monday morning which would clash with the EPDP and the Subsequent Procedures, and so would Monday afternoon.

BARBARA WANNER:

Okay, Steve, I think I'm back on now. Thanks.

STEVE DELBIANCO:

Thank you, Barbara. We were just at the point of trying to get BC members to answer Chantelle's question of when we are going to do the GAC public safety working group meeting. That's what's on the screen right now, Barbara. Go ahead.

BARBARA WANNER:

Okay, if I may, I'm sorry this is very frustrating to me with the double muting, scheduling continues to be a challenge. I don't want to repeat what Steve said, but I think we have to make some hard decisions here as to whether we do some of these meetings via teleconference instead.

I've indicated that we might want to do a teleconference meeting with the contracted parties house rather than trying to meet them in Montreal. If the BC supports, I will propose that at our CSG ExCom call on Monday. I'm very sorry that it is later than today's call, but I should have a lot more clarity on some of the issues that Steve already outlined following the CSG ExCom call.

In terms of the PSWG meeting, Chantelle has said that they have expressed interest twice in meeting with us. If people want to go through with it and address their interest, I suggest that we recognize and just make peace with the fact that there will be clashes and that we ensure that there is at least a critical mass of BC members there.

I know this is not ideal, but I will provide a report as I always do of our meetings, and that can help to inform BC members who can't participate. How do people feel about that?

STEVE DELBIANCO:

Hey, Barbara, for Steve, I would say that's a great idea. If we come back to the GAC and say that we'll meet them whenever they want, that would be the easiest way to reply.

BARBARA WANNER: Although Marie says she wants to be at the PSWG. Okay, so all right, Marie, so we'll try and look at something.

STEVE DELBIANCO: That only rules out the first slot on Sunday afternoon, Barbara.

BARBARA WANNER: Yeah, on Sunday afternoon, right.

STEVE DELBIANCO: So the other three....

BARBARA WANNER: All right, so then maybe Monday.

STEVE DELBIANCO: Yeah, the other three slots are okay.

BARBARA WANNER: So perhaps Monday, November 4 is an option. [inaudible] other people have concerning scheduling. I will say this. It might be too late because I know Claudia went to the ExCom for suggestions of speakers. But what I had proposed to Claudia for our BC meeting is to bring in Cyrus to talk not only about the planning assumptions document but also some of these other issues concerning EPDP Phase 2.

Another idea, and we can do this either for the BC or for the CSG open meeting, is to bring in either Brian Cote and/or Sally Costerton to talk about this global public interest framework. In light of Steve's comment and the discussion we just had as well as Marie's comment in the chat, the NCSG is all over this. I would like to propose that we consider bringing in Sally for our CSG meeting. What do people think about that?

JIMSON OLUFUYE: Hi, Barbara.

BARBARA WANNER: Yeah.

JIMSON OLUFUYE: Well, it's not bad at all, really. We really need to have a good grasp of our responsibility in the public space. [inaudible] in regards to what we do. So [inaudible] report. We reviewed this report recently, and I'm really concerned about are we ensuring safety [inaudible] with the issues with access to RDS, [WHOIS, what have you]. So perhaps it may be good to hear more from [Jeremy] as well. Maybe we can bring in [Jeremy], the guys in charge of DAAR. Thank you.

BARBARA WANNER: Great.

STEVE DELBIANCO: [NCPH] intersessional, Barbara.

BARBARA WANNER: Yeah. No, again, I will clarify this after our CSG ExCom call on Monday, but I know the IPC is firmly with us in terms of just pushing back on Stephanie who is just adamant about wanting to have an intersessional. So we will continue to press for either a couple of hours in Cancun or a day zero meeting at either Cancun or the Malaysia meeting with a preference for the Malaysia meeting quite honestly since many of us will have to travel a long way to get there and it may be easier to add a day there since it's a shorter meeting.

So that's where things stand. Personally, I think that Stephanie is adamant because she wants a platform to rant, but maybe I should edit that from the public transcript. I don't find that to be useful. End of discussion. Thanks.

STEVE DELBIANCO: I tend to agree. That's a lot of what's been happening at EPDP Phase 2, Barbara, because Stephanie is on there as well.

BARBARA WANNER: Oh, okay. All right. And I would also prefer that we continue to handle discussions concerning the GNSO Council chair and vice chair position via e-mail with her with either [Ria] and/or Chantelle acting as the intermediary just as a way to contain the discussion. That's it from me, Steve. Thanks.

STEVE DELBIANCO: Thank you, Barbara. Claudia, that's it for the policy calendar. So I'll stop that share and let you put up the main agenda and turn it over to you.

CLAUDIA SELLI: Thank you, Steve. I'm just waiting for the agenda. For the ICANN 66, I think Barbara has been getting also the majority of the updates. Just for information from the outreach standpoint, we're also working to see if there are other events that we can organize. We have been reached out from the [inaudible] from the IPC and we are exploring with [inaudible] whether to organize eventually an event on DNS abuse. We are just trying to see whether this is feasible and what type of participation it involves. We will get back in any case. We will update you on that.

And we are [inaudible] conversation with Chris Mondini to see whether we organize something or simply he supports us in [other] meetings we are doing.

I don't have more updates. I would leave the floor to Jimson for the BC officer committee elections and membership dues. Jimson, the floor is yours.

JIMSON OLUFUYE: Okay, thank you very much, Claudia. Well, we are already in the election process. I think at this moment really the secretariats who are the guys in charge of election [will be able to] advise us [on it]. But what I can say is that perhaps very soon [we'll] be able to publish the list of members that will be eligible to vote.

And in regard to some that may not be able to vote, we've been trying to reach some members. There are some members that we couldn't reach, so their payment has been pending. We're still around 82% in terms of payment compliance. So [we're making an] effort to reach some. Their e-mails have been bouncing. So [inaudible] some members that may be able to contact these members. [inaudible] get more appropriate e-mail address to reach them.

Chantelle, do you want to brief us more on that? On the election itself?

CHANTELLE DOERKSEN:

Hi, Jimson. Sure. Everyone knows the nomination period is currently open, as Jimson mentioned, and the nomination period will close on Monday, 23 September, at 23:59 UTC. We'll hold the call with the candidates on Wednesday, October 2, at 15:00 UTC, which is the current time of our BC members call but I think it's on the alternate week. We'll confirm that closer to the date. Then the voting period will open after that and will close on Wednesday, October 9, at 23:59 UTC. And ExCom will have the results to announce on Thursday, October 10, 2019. New officers, as usual, will take their seats on January 1, 2020. With that, I will turn it over to Jimson.

JIMSON OLUFUYE:

Okay, thank you, Chantelle. With this, I think I am also done. Back to you, Claudia. Thank you.

CLAUDIA SELLI:

Thank you very much, everybody. I don't have other points to bring up unless there are questions or any other business for the participants on the call. So please raise your hand in case. I don't see anything, so with that we can adjourn the call until 25 September. Thank you very much, everybody, for participating.

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