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CHANTELLE DOERKSEN: Good morning, good afternoon, and good evening. Welcome to the BC members call on Wednesday, September 25, 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 background noise.

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

CLAUDIA SELLI: Thank you very much, Chantelle. And thank you very much, everybody, for being on the call today. In the interest of time, I will give the floor to Steve for the policy discussion.

STEVE DELBIANCO: Thank you, Claudia. I'm going to bring up the screen right now. I sent it out about noon Tuesday Eastern time. It should be displayed in the Zoom room right now, the policy calendar. I'll take us through this quickly.

Since our last call, we've only had one comment posted to the ICANN public comments space. That was on 13 September. We responded to a survey that was put out by the Accountability and Transparency Review Team. It's the third review team, so we abbreviate it as ATRT3. Tola Sogbesan is on that review team and represents all of CSG, not just the BC. That's important to remember.

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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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Tola and I worked up a draft. Roger had volunteered to help. Roger, if you helped and I missed some of your contributions, I'm sorry about that. We ended up putting this in and made two relatively, I guess, interesting recommendations.

We said first that there are 15 board seats and eight of them come from the NomCom. We said two of those that are named by the NomCom ought to be given to the GNSO. GNSO provides 98% of ICANN's revenue and nearly all of ICANN's activity. The GNSO today only has two board members. We said there should be four.

For those of you who are not familiar with this issue, it would make it so much easier. The CSG and the NCSG would each have a board member. The registries and registrars would each have a board member. It's an idea that makes so much sense that it will probably die a slow death in the ICANN process. But we should nonetheless keep it alive, and I hope that Tola will be able to press on it in the ATRT.

One other thing we said in the comment, and you all had an opportunity to review this, was there were questions in there about how the GAC interacts with the community and the GAC's accountability. We are not going to suggest that the GAC be subject to a review the way all the other ACs and SOs are. Oh, but we did suggest that GAC members try to endeavor to explain the positions of their respective governments if those positions are causing tremendous issues for ICANN and the GAC doesn't even support them.

You all know what I'm talking about, especially Margie and Mark. I'm talking about GDPR where the European governments enact GDPR and

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that are not really there to be as helpful for ICANN to interpret it, and yet we have all these GAC reps who act as if they're really concerned that GDPR is interfering with WHOIS. So we said in a very respectful way in our comment that we would encourage GAC members to step up and be more constructive and engaged as ICANN tries to deal with laws that are enacted by their governments like GDPR.

Tola, I don't know if I see you on this call. I do see Roger. So, Roger, anything you want to add to the comment that we submitted? Okay, hearing none, I'll just proceed. Oh, go ahead, Roger. Yes, go ahead. I'm sorry, Roger, were you going to add something?

JIMSON OLUFUYE: Steve, [inaudible] a question if I may.

STEVE DELBIANCO: Please.

JIMSON OLUFUYE: Thank you so much for filling in the survey. It was quite well done. Good job. But I saw a place whereby we offered no response and [does] regard to the structure of GNSO saying that [how can] the structure be improved.

Like let me quote [that] section. However, an SO such as GNSO asking [inaudible] between contracted parties and non-contracted parties. The GNSO. It is therefore very challenging for GNSO to say that it has

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achieved buy-in when its recommendations were not the result of GNSO consensus.

So how can we improve this? It gets me thinking. I think we should be able to offer something. What do you think, Steve?

STEVE DELBIANCO:

Thank you, Jimson. I would have loved to have heard this last week when we circulated the draft. But you know what? There's plenty of time on this. We can easily submit additional comments, [especially because] Tola is serving on the ATRT3. So, Jimson, would you please come back with a proposed addition to our survey response? I have the survey response up in the Zoom room right now, and the red text is what Tola and I came up with. Jimson, let me scroll to the one that you want to bring up. Do you want to tell me where, what page it's on? Do you recall?

JIMSON OLUFUYE:

Oh, sure. It's on Page 6 and around Item 5 or so.

STEVE DELBIANCO:

Okay. Yeah, they don't have page numbers in this thing.

JIMSON OLUFUYE:

Okay, where we have, I think, what is that now? IRP, that is independent review, just before independent review panel. Where it says does your structure – the first question being, does your structure generally

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support decisions made by the board? Do we generally support it? And you said that depends on the decision made, which is okay. [inaudible] okay.

STEVE DELBIANCO: That's right, because there are times the board backs us up and there are times it doesn't. I think that it really doesn't serve our interest to claim that we're very dissatisfied with what the board does when the board at times comes through for us. What were you suggesting that we say instead?

JIMSON OLUFUYE: No, no, no. It's excellent. I'm just saying that is the page where this one is.

STEVE DELBIANCO: Got it.

JIMSON OLUFUYE: Yeah, maybe it is the fourth or the fifth paragraph to that particular statement [which opens the page].

STEVE DELBIANCO: Got it, and I have it up on the screen. Can you see it and tell me whether I have the right area?

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JIMSON OLUFUYE: Maybe you could go down a little more. Please go down. Just advance this [scroll] going to the end of the page. All we have now is, does your structure support a transparency policy? Yes. Okay, can we move down more? Hi, Steve, are you there?

STEVE DELBIANCO: I am. I'm scrolling right now. Tell me when I get there because I still don't understand which part you're looking at.

JIMSON OLUFUYE: Okay, I'm sorry. I didn't actually see you scrolling. I don't know whether it's my screen. I can't see anything. It's not going down.

STEVE DELBIANCO: All right, Jimson, I'll tell you what. Could you reply to the BC list and just indicate the new text that you'd like to see? We'll give a few days for BC members to look at that. And then Tola can slip it into the biweekly calls they're already having on ATRT3. I do know that ICANN staff was very keen to get all these comments in so they could assemble a report for the ATRT3. So this won't make it to the report, but it will make it into their conversations.

JIMSON OLUFUYE: Okay. Sorry. I'll do that.

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STEVE DELBIANCO:

No worries. Thank you, Jimson. I appreciate you following up. Any other questions on that, folks? I'll go back and share the policy calendar one more time.

Okay, so of the open public comments, we have really just three of them. The first is Improving the Effectiveness of the Multistakeholder Model. These comments close in a little over two weeks. This is the ICANN board, and in particular Cherine Chalaby the chair's, initiative to try to find a way to enhance the effectiveness of the multistakeholder model as it works within ICANN.

A lot of you know that Cherine and the board hired Brian Cote to come in and manage a process that was supposed to surface ways to improve the multistakeholder model. In fact, Brian met with the BC when we were in Marrakech.

Mark Datysgeld deserves a great deal of gratitude and credit for having gone through the multistakeholder next steps model and come up with several areas where the BC should comment. Those are the four bullets that you've seen for the last two weeks. Then since the last two weeks, Mark drafted a BC comment. It's the first attachment to the policy calendar. He's working with John Berard, Andy Abrams, Jimson, and Zak, the same folks who did the BC's earlier comment in June on this.

We have over two weeks on that, so there's quite a bit of time to react. But this would be a great opportunity for members, especially the drafting team, to share with Mark what your thoughts are on that. I'm looking for hands in the chat, or you can just speak up. Mark, thank you again for taking the lead on that. I would say to Zak, John, Andy, Jimson

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try to weigh in so that if there are going to be edits, we'll give our membership adequate time to review them. Mark, is there anything further you'd like to add? You've been really productive for the BC, Mark, and we appreciate it.

Okay, the next public comment is due 21 October. We have plenty of time. This is on one of the Affirmation of Commitments review teams. It was a mandate for ICANN to conduct a community-based review of the last round of new TLDs, the expansion of gTLDs. That is called a Review of Competition, Consumer Trust, and Consumer Choice in the Expansion of gTLDs. It's abbreviated as the CCT-RT (Consumer Trust, Consumer Choice Review Team).

Now their recommendations were handed over to the board, and the BC has commented on them extensively. The board approved several of the recommendations right away and parked other recommendations to get further clarifications [on] interaction with existing policies. But for the recommendations that they wanted to proceed with, the board turned to the staff and said give us a plan to implement and what the next steps would be. That plan from staff is what we are commenting on now.

I have a link to the plan right here. We last commented on the CCT-RT back in November, so almost a year ago. Stephanie Duchesneau and Mark Datysgeld did the work for us on that and did a great job on it. This is our chance then to dive into a relatively brief plan from ICANN and say whether their implementation and cost considerations make sense.

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I have to tell you that one of the recommendations the board did accept is recommendation 21. It is all about DNS abuse. That is a priority item for the BC. So I'm looking for hands from BC members to see if one or two of you can volunteer to help [refine] our comments in the next three weeks. Who do we have?

MARGIE MILAM: Hey, Steve. I'm driving. I'll volunteer.

STEVE DELBIANCO: Margie, thank you very much. It's really brief, and we can focus hard on DNS abuse. Thank you. Anyone else? Okay, Margie, I'll work with you on that. I don't think it will be very difficult. Thank you.

Let me go to the last open public comment, and it's really not in the public comment list. It's a little bit different. Sometimes we have to hunt around the ICANN world to find comment opportunities because they don't all show up on the public comment page.

This particular one is another board initiative where the board wants to do a better job defining the global public interest in the context of ICANN. That is a challenge because the words "global public interest" show up many places in the bylaws, especially in areas that we've modified as a result of the transition.

They've done a framework where they want to come back with an idea that a couple of tools will help all of the ICANN community ACs and SOs to make it clear that they are reflecting the public interests just inherently because we are the public. To me, that feels like a complete

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cop out. The suggestion there is that given that ICANN is a framework built from the public, that the things that we want are therefore in the public interest. That is laughable since some of that framework is very tightly focused on the needs of a particular constituency, like contracted parties.

With that in mind, I don't think the BC should just roll over and accept that truism. I brought this up two weeks ago. We've made this point a long time ago. In prior BC comments, we have said there ought to be a definition for the global public interest at ICANN. We have suggested it was the integrity and the availability of registrations and resolutions.

If you remember two weeks ago, I know Mark Datysgeld is really all over the idea that availability means every script and every language and every string. That's what availability is. It's 24/7/365 availability, high service levels.

Integrity has to do with knowing that the company or entity wanting to register a domain name is actually entitled, the legal and rightful owner of that domain name. And that you ought to have integrity when you're doing resolutions and not be subject to cache poisoning, redirection, typosquatting, and other elements that interfere with your ability to have a high-integrity experience when you're doing business on the Internet.

So I have up there on the screen in front of you things we have written for years. I'm asking whether BC members would like to work with me on turning that into a comment on this proposed framework. It is due 18 October. Are there any volunteers? Any objections or concerns?

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You're very quiet today. All right, without objection then, this has been two weeks out there. I'm going to proceed on this basis of submitting this kind of comment to that group.

Can you hear me? Somebody? Anyone?

JIMSON OLUFUYE: Yes, Steve, we can hear you.

UNIDENTIFIED FEMALE: Yes, we can.

STEVE DELBIANCO: Okay, just checking. [inaudible] very, very quiet. All right, Margie and Mark, I'd like to turn to you next on a regular feature of our BC calls, which is the current state of affairs with modifying WHOIS to comply with GDPR. In case you're driving, Margie and Mark, I have on the screen the section of the policy calendar highlighting the face-to-face meetings in Los Angeles, the responses from ICANN's external law firm, and the Zero Draft. So, Margie and Mark, why don't you update us on where we are and how we can be helpful to you.

MARK DATYSGELD: I know Margie is on the road, but she always does this so much better than me. So, Margie, could you start?

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MARGIE MILAM: Sure. Can you guys hear me?

MARK DATYSGELD: We hear you.

MARGIE MILAM: Sure. Okay, you've probably seen on the list my explanation of what I saw in the face-to-face meeting in Los Angeles. As I indicated in my e-mail, I do think there was a lot of constructive dialogue in the three-day face-to-face meeting but that there wasn't a lot of substantive progress. [Yannis] worked really hard to try to get people being cordial and addressing the issues, but when it boiled down to the end of the week and we looked back on the actual agreements reached there really wasn't very much.

So I think leaving the face-to-face meeting, there's a lot of work for this team to do. We've essentially increased the number of meetings to two a week plus a lot of homework. So they're basically trying to build out this Draft Zero, if you will, of a draft recommendation so that we can have something to talk about when we get to Montreal.

But even since the face-to-face meeting in Los Angeles, there's very little progress. We don't have an agreement on the purposes for access. For example, there's no agreement that we will have specificity on access for intellectual property purposes or cybersecurity purposes. So that's really frustrating.

We're still not in agreement on what the types of accreditation models should be, whether accreditation allows you to simply have an easier

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way to submit requests or if it actually gives you an automated response.

There are still contracted parties that want to have manual review of requests. So if you think about as you build a standardized system of access and disclosure – and our new acronym is SSAD – it’s not going to be very useful if you have to wait a very long time to get a response.

So those are the kinds of issues that we still have on the table. We’re working really hard to try to identify areas where we think the accreditation model should go, but we’re running out of time. So I think that’s a question for as we get closer to Montreal. What happens if we haven’t actually reached agreement at least among ourselves on the team as to what the definition of the SSAD should be and what types of purposes are allowed?

The other piece of information that I shared in my e-mail was that Göran started the meeting in Los Angeles talking about the Strawberry Team and what they were doing. Apparently, the Strawberry Team has been working quite closely with the European Commission officials to describe a system where they could submit it to the Data Protection Board for some sort of guidance. I think Göran and [inaudible] guidance would probably be a little more favorable than the legal advice given by Bird & Bird.

Unfortunately, that guidance isn’t going to be received until mid-November which also poses a question as to how we will actually define the roles in this SSAD if we don’t even have the input from the Data Protection Board.

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It looks like ICANN's trying to push a model where ICANN would be the controller and the contracted parties are considered processors. In order to do that, it means that ICANN would be making the decisions on disclosure. That's the discussion we've been having since the face-to-face meeting. What are the conditions by which the contracted parties and all the other members would accept ICANN being the sole discloser, a sole decision-maker on disclosure? Because if it is, then the thought is that ICANN would have responsibility for that decision and not the contracted parties.

So that's essentially where we are. A lot of work ahead, and it's really unclear what we're going to have by the time we get to Montreal.

MARK DATYSGELD:

Thanks, Margie. As usual, that's a great summary and better than I could do. I just have a few additional comments. One, on this whole ICANN is the controller and contracted parties are processors, unless we get a decision from the commission, this is going to be a pretty tough sell just because the way the law is written. I don't think it's on our side.

So basically, you would need to get feedback that clarifies in our favor some earlier Working Party 29 guidance which was then built upon in some Bird & Bird guidance regarding how this whole thing is structured. Certainly, we could get that and we could just say the contracted parties are operating under a contract to ICANN. ICANN is the controller, and they're just processors. Then the whole thing goes away, basically. But there's past opinion that makes that really difficult.

In the absence of that, Thomas Rickert from ISPCP has been pushing a joint controller concept now for, I don't know, maybe a year, possibly a year. That would help us a lot if the contracted parties could come to grips with the idea that within that relationship ICANN would be allocated the responsibility of the decision-making and the contracted parties would be allocated the responsibility of the data collection and the initial data storage.

As Margie said, there is this desire for them to have a ripcord or an emergency switch where they can say, "Oh, no. I think this disclosure by ICANN is going to be a bad one that will rebound back on us. I want to have my own additional check." Which, of course, defeats the whole purpose of the joint controller agreement. You're not actually distributing the task, which means your not distributing the liability. So until we get some guidance, that path is problematic as well just simply because the contracted parties don't believe that it actually buys them anything.

Then my last comment which is building on something that Margie also said is that I feel like we're working toward really arbitrary dates. We're trying to get certain deliverables by Montreal. We're trying to get certain deliverables by the spring. It feels very much to me like it's calendar driven rather than quality driven. I'm not sure what we're going to get by the spring, and I think we should be prepared to have a pretty incomplete document that isn't really suitable for getting any sort of productive public feedback.

That's not because or [Yannis] are working are working inefficiently. Although, mistakes are being made. This is new ground again, which

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means we try things and sometimes they fail again. I just think it's inherent in the problem and the people at the table, which is one of those how effective is the multistakeholder model type questions.

So we'll have some sort of a report, but whether it really settles the problems or is suitable for public feedback I'm putting that at about a 40% chance personally. Thanks.

STEVE DELBIANCO:

Mark, thank you. I'd like to turn to Alex Deacon, a BC member who is also an IPC rep on the EPDP. Alex is working with, of all people, Milton Mueller and a few others on fleshing out what an accreditation system would look like for data requestors. Alex, can you add anything on how that's going?

ALEX DEACON:

Yeah, thanks, Steve. It's going. I haven't had the time personally to put into it as I had hoped. I will be spending today making some updates and adding as much information and text from the IPC and BC accreditation and access model doc version 1.7. So we get as much of that great text into the model and the framework that I proposed as possible.

Regarding Milton, I think he seems to be under the assumption that before it gets shared with the full group that me and him have to be 100% in agreement on the path forward. I don't agree with that. I'm going to ask once again that the staff send out whatever we have as soon as possible, today at least when I'm done by the end of today, so

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we can discuss it tomorrow. I don't think we should or can delay this much further.

Once that happens, hopefully we'll get additional buy in from the contracted parties who have been supportive behind the scenes at least to date on this model and then put a plan together to flesh out the details.

I believe I sent around a link to the Google doc, at least to the BC EPDP list. So you should be able to view what's going on. I could resend that link around if there's interest. Either way, my hope is that it will go to the full EPDP list at least latest by the end of the day today.

That's where we are. I'm happy to take any questions. Otherwise, look for the details later. Thanks.

STEVE DELBIANCO:

Thanks, Alex. Appreciate the coordination that we're all doing. I do think IPC and BC have been pretty well aligned, but we are still a tiny minority in the EPDP. We're a tiny minority in GNSO Council as well. Any questions for Alex, for Mark or Margie?

Mark, I heard you observe that this is as good as you can do in the multistakeholder model. But if Göran were the king and this was not a multistakeholder model, he couldn't [by dictate] impose obligations on the contracted parties that they would follow without going to court first. I mean, I think the legal guidance at this point is such that our problem is with interpretation of GDPR and not with the multistakeholder model. We're going to have a problem with the

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multistakeholder model when it comes to getting anything through council. I get that. But [inaudible].

MARK DATYSGELD:

My point is really that because this is a problem with interpretation of the law, and my privacy team agrees with that assessment. They believe that a lot of this stuff is either misinterpretation or an overly conservative interpretation, but we already knew that. Right?

The problem is that if there are these interpretations and somebody has 12 votes and somebody else has 4 votes, that's a problem within the multistakeholder model. Or 16 votes or something like that, depending on how you count ISPCP. So 14 votes, right? So if somebody has 14 votes and somebody has 4 votes, then the person with 4 votes really does a lot of work for very little benefit, and I think that's a problem with the model.

So that's what I'm trying to say. Yeah, certainly the problem is really that the law has trouble with this particular configuration of relationships.

STEVE DELBIANCO:

It truly does, and it always sucks to be in the minority, which we are. Not so much a multistakeholder issue, but any place where there is voting we've got an uphill climb.

One of our biggest problems was ten years ago when the decision was made to put balance in place between the commercial and non-

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commercial segments of the non-contracted parties. That is what Mark is talking about.

For the rest of you, the non-commercial stakeholders group has the same number of votes as the commercial side. The commercial side is the BC, the IPC, and the ISPs. So even if we were united across all three of us, we are still negated by the non-commercial stakeholders group and therefore have to find our friends and find our allies on the contracted parties side of the house, and that's a huge challenge.

Any further questions or comments on EPDP? Great. I will slide down to GNSO Council. Marie sent her apologies, cannot be with us today. There isn't much to update on Council. Scott McCormick is on the phone. He's dialing in while in transit to a meeting on the West Coast. Scott, do you want to weigh in at all with color on last week's meeting on the 19<sup>th</sup>?

SCOTT MCCORMICK:

Hey, Steve. It's probably loud in the background here. I'm on a packed bus. There isn't much to update. I'll send out an e-mail. I didn't realize Marie and I both were going to be really unavailable for this.

STEVE DELBIANCO:

All right, Scott, what we have in here is I included the agenda transcript from last week's meeting where you did not approve any resolutions. And I talked about the highlights of Council approving a letter to the board on WHOIS accuracy reporting. This is not a dead issue. We need to continue to work on the contracted parties obligations to maintain

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accurate WHOIS. Don't accept the contracted parties' claim that GDPR changed all that.

Margie, thank you for sending around the note you did earlier this week trying to remind everybody of the exact words in GDPR to where if the data subject would be affected by inaccurate data, then there is an obligation to get that data accurate. So I think you make a strong argument, Margie.

Council also talked about name collision avoidance, subsequent procedures, and they responded to the board on the board's question of whether it should defer Thick WHOIS implementation for .com and .net. The next Council meeting is 24 October.

Scott, did you have any update on the Security, Stability, and Resiliency team that you and Denise serve on? The SSR2? Denise, feel free to speak up [as well].

SCOTT MCCORMICK: Yeah, Denise, do you want to take this?

STEVE DELBIANCO: Denise, are you able to speak?

DENISE MICHEL: Yes, can you hear me?

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STEVE DELBIANCO: We do perfectly. Thank you.

DENISE MICHEL: The SSR2 team is continuing to work on its draft report and plans to have draft recommendations to discuss with the community in Montreal. Happy to answer any questions or give more information if you need it.

STEVE DELBIANCO: Thanks, Denise. So that would be a draft that would be circulated for public comment and you probably would present in Montreal. You'd present the contours of your recommendations and people would ask a lot of questions then, right?

DENISE MICHEL: Actually, they're doing a round of informal discussions with the community, and then after Montreal a draft will be finalized and posted for public comment.

STEVE DELBIANCO: Ah, okay. So then in Montreal you'll be giving PowerPoint presentations and answering questions?

DENISE MICHEL: Right.

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STEVE DELBIANCO: Okay. Denise, given how important this topic is and the fact that two of you are on there, as soon as you and Scott have even preliminary documents that you could circulate to BC private, we've got plenty of members that are interested enough to want to be spun up early.

DENISE MICHEL: Great. Will do. Thank you.

STEVE DELBIANCO: Well, thank you. Appreciate it. Tola, I see you here now. I don't know if you were on earlier when we discussed the survey response. But, Tola, is there anything you want to add right now about ATRT3?

ADETOLA SOGBESAN: Yes, Steve. Thank you. We just [dropped off] a call a few minutes ago. We just basically started considering all the survey responses. We [inaudible] especially responses from GAC. And we've not got into the one BC submitted. But [inaudible] most of the recommendations from survey respondents were in agreement with most of the activities we've been doing at the [inaudible] review team.

Unfortunately, I am not sure if I'm going to be in Montreal because majority of people applying to were denied visas. And I'm not sure. There's an appeal. We're still on that. I hope we'll be able to get the response. Otherwise, I may likely be participating remotely in our meeting.

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We have a face-to-face meeting in Singapore before then. Hopefully, I'll be able to attend that one. Then I'll be able to have for that briefing. Our meeting today was the 31<sup>st</sup> meeting, and by next we'll have the 32<sup>nd</sup> meeting.

Apart from that, there isn't much activities to report from ATRT3 meeting. Thank you.

STEVE DELBIANCO: Thank you, Tola. I would ask you this. When the ATRT3 discusses the BC recommendations, we would love for you to report back to us on the reaction that you're observing inside of the ATRT3.

ADETOLA SOGBESAN: Okay, [inaudible].

STEVE DELBIANCO: The second thing is that Jimson is going to suggest a small addition to our survey response. He'll do it by e-mail in the next several hours. We'll give BC members a chance to look at that and then feed it in to you to introduce in the conversations that you have there. I know it's too late to amend our response, but you can certainly slip it in because you've talked with your constituents.

And, Tola, the final thing is that you represent the BC, the IPC, and the ISPs. You are just as responsible to report back to them as you are to us.

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ADETOLA SOGBESAN:                   Okay.

STEVE DELBIANCO:                   That may not have been something that was told to you, but you should be sending updates and encouraging participation in surveys from the IPC and the ISPs. Is that something you've been able to pick up on?

ADETOLA SOGBESAN:                   Okay, yeah, that's on the – I know I've sent one or two reports on to a group that is the non-commercial stakeholders group. I've sent that once or twice, but it bounced back. I'll try that again.

STEVE DELBIANCO:                   Well, you should send to the chairs of the IPC and the ISPCP. Do you know whether they responded to the survey?

ADETOLA SOGBESAN:                   We've not treated all. We spent 90 or 100 minutes today discussing responses from GAC.

STEVE DELBIANCO:                   Could you determine whether they responded. And if they didn't, I believe you're going to need to do some cleanup here.

ADETOLA SOGBESAN:                   I can do that [inaudible] e-mail. I can check in the mailbox, yeah.

STEVE DELBIANCO: Right, and then Chantelle will always make sure that your e-mails get to the right place. But you equally represent the BC, the IPC, and the ISPs. And to keep the CSG house together, we have to be diligent about reporting back in to them and encouraging them to participate in representing their interests too. Okay?

ADETOLA SOGBESAN: That's great. Thanks a lot.

STEVE DELBIANCO: Thank you. It's a lot more work than you signed up for, and I'm just so disappointed that the Canadian government has actually declined your visa. Is it a matter where they just haven't finished yet, or they actually said no?

ADETOLA SOGBESAN: Well, I think there are a couple of issues with not just me. A lot of people, especially from Africa, had issues. One of the things maybe they local organization didn't have good presentation of the conference. Because what they wrote back to me was that the conference itself is not much recognized. That's very strange. So it means the local organizers didn't actually do enough of work with the immigration, so they don't see it as essential for anybody to attend.

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STEVE DELBIANCO: All right, that's unfortunate, Tola. We would like to see you there at the meeting, so please keep at it, okay?

ADETOLA SOGBESAN: Yeah. Like I said, we have the third face-to-face meeting in Singapore a week before then. Hopefully, I'll be there. I'll wait for my passport to be returned from the Canadian embassy, then I will apply for – [inaudible] Singapore embassy and I'm sure that I will get my visa within five days. So hopefully, I'll be at the face-to-face in Singapore, then I'll be able to [inaudible]. I appreciate the [inaudible] of the work, and I'm trying my best to keep [reporting]. Thank you so much for the opportunity.

STEVE DELBIANCO: All right, thank you, Tola. If there are no questions on Channels 1 and 2, I would turn it over to Barbara Wanner who is our CSG rep to talk about the Commercial Stakeholders Group. Barbara?

BARBARA WANNER: Okay, Steve. Can you hear me?

STEVE DELBIANCO: [inaudible] on the Zoom screen, we have all of your information with the highlights that you asked for.

BARBARA WANNER: Great. Thank you very much. I'm just going to cut to the chase because I know there is some interest in discussing DNS abuse a little bit more

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under this channel. Steve, if you could just scroll down to where it says the ISPCP is coordinating planning for the CSG's meeting. I really just want to bring people's attention to what I've proposed as topics for the focus of our session with the ICANN board on November 5 and then also our session with the GNSO board members.

What I've tried to do is pick up on some of the issues we've been talking about under the policy channel: WHOIS accuracy, our concerns about the global public interest framework, and so forth. So I think if you have any questions or concerns or feel that we should focus on other things, please let me know as soon as possible.

And then in the meantime, I think maybe the BC should think about who we want to serve as our spokesperson on some of those points to get the ball rolling, and then the focus of the comments.

For example, it's been decided that we'll devote the first 45 minutes of our session with the board to EPDP 2. What does the BC want to focus on? I suggested that maybe we could raise the PPSAI issue and why that's still on hold. But others may have different ideas. I'm just proposing this to foster discussion.

So that's all I'll note, Steve. Thanks.

STEVE DELBIANCO:

Barbara, your suggestions which were highlighted in there are outstanding and I think it reflects the fact that you know what it is the BC is interested in. I realize that we have to figure out what IPC and ISPs want, but I think that from the standpoint of the BC your ideas for these

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potential discussion topics should be advanced. Is there anybody who has other thoughts on the topics that Barbara has come up with so far? This is the stuff in yellow on the screen in front of you. Margie Milam is reinforcing the PPSAI idea. I don't see any other hands up.

Thanks, Barbara. Great work on this.

And then DNS abuse, Mason, I'll turn to you in a moment here, Mason Cole. DNS abuse has long been teed up by the GAC as one of the topics they want to discuss at Montreal. There's currently a plan for a webinar on DNS abuse prior to Montreal and a DNS review session on Wednesday, 6 November, for an hour and a half on DNS abuse.

On our last call, Mason, I talked to you about the fact that the contracted parties house led by Jonathan Robinson wants to preface any discussion of abuse with a big primer on ICANN's limited role at addressing the content or conduct of what happens at a domain name. He wants to establish that ICANN under its bylaws can't do anything about content or conduct.

A number of us have pushed back hard on that to say that when you understand the scope of abuse that happens [inaudible] enabled by DNS, that contracted parties and ICANN ought to be willing to do whatever they can do and not be trying to suggest that they can't do anything.

I think it's an untenable position. It will certainly alienate law enforcement, business interests, consumer interests, and ALAC. But Jonathan Robinson has really been deaf about that and wants to preface everything with a limited scope.

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But, Mason, I'll turn to you. What did you want to discuss on DNS abuse?

MASON COLE: Thanks, Steve. Can you hear me?

STEVE DELBIANCO: We do.

MASON COLE: I appreciate that context very much because I think it sets the stage for what I wanted to talk about. As you correctly point out, the contracted parties have done a good job of staking out their position in advance and helping define the discussion within ICANN both on the webinar that you talked about and at the session in Montreal.

I don't know if you've seen it, but the GAC also is on record recently with a statement about DNS abuse. So what you're seeing is various constituencies or support organizations coming through with advance positioning about how to tackle the DNS abuse issue within ICANN.

I wanted to raise this on the part of the BC because I thought it might be useful for the BC to do something similar to let the community know that there is more than one perspective on how to discuss DNS abuse. If that means that a communication in advance of the webinar or the ICANN meeting in Montreal would be helpful, then that's something I'd be willing to help contribute to. So I wanted to raise that with the BC and see if there was an appetite for that kind of communication.

STEVE DELBIANCO: Claudia, most of the communication that goes back and forth is with the ACs and SOs and stakeholder group leaders. So technically, you're the only BC member whose e-mails go back to that group. When I have replied, Claudia, nobody gets it. So Mason can't do so either. So, Claudia, I will ask you to forward the very latest planning for the webinar and for the DNS abuse sessions in Montreal. If you forward it to BC private, any replies that you get that you think are worthy of sharing, then you have to be the one to push them back into the list because they don't get mine. Okay?

CLAUDIA SELLI: Okay, sure. I will do that.

STEVE DELBIANCO: Mason, I also wanted you to know that after we had that [V Team] call, I fed in some of my concerns to the IPC. And thanks to Jen Gore and Brian Winterfeldt, they reiterated the same things we said about don't frontend the discussion with a limited scope. It needs to be [covered] but it shouldn't be the way you tee it off.

MASON COLE: Right. Is there an opportunity to work with the IPC on an advance communication on that front?

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STEVE DELBIANCO: Yes. The answer is yes, and Alex Deacon will help us with that as well. Alex is still on the call.

MASON COLE: All right, I'll [inaudible].

STEVE DELBIANCO: Yeah, Mason, please continue to use the [V Team] list. There hasn't been much traffic since we had that call last week, but we ought to continue to beat on that. Since nobody on [V Team] can see the communications that we're discussing, they all happen only among the leaders, and that's where, Claudia, we're going to count on you to forward anything you've got in the last, say, three or four days on the SO/AC leaders list. Could you forward it to BC private today?

CLAUDIA SELLI: Sure.

STEVE DELBIANCO: Okay. I'm not thinking that you need to do that for every SO/AC leader communication, Claudia. But since we're not focusing in on what's going to be on the DNS abuse agenda, I think that calls for oversharing, if you know what I mean.

CLAUDIA SELLI: Sure, of course.

STEVE DELBIANCO: Appreciate that. Barbara Wanner, anything further from you on CSG? Okay, back to you, Claudia, to resume the agenda.

CLAUDIA SELLI: Thank you very much, Steve. Basically, I don't have a lot to update you with. But one thing that I wanted to share with the group is that following Marilyn Cade's resignation we are restructuring the outreach communicate [meeting] that, first of all, Jimson has taken an interim role to make sure that everything runs smoothly there. And also, there will be an action upcoming for chair position, I think it's November if I'm not mistaken. So watch out for the nomination and whoever is interested should be putting himself or herself forward.

Also, the other new thing is that we are trying to get volunteers. [This based] also on the region where the ICANN meeting is taking place. Meaning that since outreach meetings are organized in certain regions, if our members want to volunteer of this type actions and for help, the outreach committee they are most welcome to join this committee on an [ad hoc] basis. Meaning for a meeting and not a [inaudible] but to have and support these efforts.

So this is it from my end. I will leave the floor to Jimson for the operations and finance report.

JIMSON OLUFUYE: Okay, thank you, Claudia. Well, maybe follow up on the outreach information. There is a plan for in-reach, as you [have been

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communicated with] earlier. We're planning in-reach. That is an opportunity for BC members to get to know one another much better. That is at Montreal and then thanks to [Tim] that is on ground that has been helping with the arrangement.

Also, there is an outreach possibility that we're working on with [Lori]. I believe perhaps in the [closing remarks] maybe Claudia might say something about that. But you still will be more informed about details as we approach Montreal, ICANN 66.

Now to the elections, the program is still on, the process is on. Perhaps our election officer, Chantelle, would want to say something. Chantelle, are you there?

CHANTELLE DOERKSEN: Hi, Jimson. Can everyone hear me okay?

JIMSON OLUFUYE: Yes, we can hear you. Please.

CHANTELLE DOERKSEN: Thank you. Just as a reminder, the nomination period for the BC officers election has closed. Candidates are expected to submit their statements to BC private mailing list by Tuesday, October 1. Tentatively, we have the candidates call scheduled for Wednesday, October 2, at 15:00 UTC. But that time may change, and information will be forthcoming within the next few days.

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Following the candidates call, the voting period will open and it will be open for one week. More information will be forthcoming, depending on when the candidates call is scheduled.

That's it for me. Over to you, Jimson.

JIMSON OLUFUYE:

Okay, thank you, Chantelle. With regards to dues payment, I would like to appreciate all members. They expeditiously responded. I think at this point we are in the 88% threshold of compliance with membership dues. Those members that are having one issue or the other, we're in touch. But at the same time, if you have not seen any invoice at all, please let us know. Perhaps it would be a glitch or the other is the issue. But generally, members have responded and I want to say thank you to you all.

Lastly, ExCom has sent out a call for members to participate in the BC 20<sup>th</sup> anniversary committee. Yes, it closed last Friday, but it has been extended now until October 11, thereabout. So I would like to encourage members to have background information about BC activities down the line [inaudible] back of 1999 to please also [join] coming up with a good package to commemorate the anniversary. Yes, the anniversary is coming up at ICANN 67 in Cancun, but there are a number of things we need to work on for the memory and for the records.

So on this note, I would like to hand over the agenda back to Claudia. Claudia, back to you.

CLAUDIA SELLI: Thank you very much, Jimson. Just checking whether there are questions for Jimson or anyone else. No, I don't see hands up. Any other business? Any member wants to add anything?

STEVE DELBIANCO: Claudia?

CLAUDIA SELLI: Yes, Steve?

STEVE DELBIANCO: I want to make sure that Tola is paying attention to the chat. There have been three or four chat follow-ups to Tola regarding his Canadian visa, and I haven't seen him acknowledge them. Tola, are you there? Because this chat will disappear.

ADETOLA SOGBESAN: Yeah, I'm here.

STEVE DELBIANCO: All right, pay attention. The chat has some things that people want to talk to you about Canada visa, okay?

ADETOLA SOGBESAN: Okay, thanks a lot. Hello?

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CLAUDIA SELLI: Yes, Tola.

ADETOLA SOGBESAN: Yeah, I'm here.

CLAUDIA SELLI: I don't know if you are seeing the chat, but the question is concerning the Canada visa and if you can confirm that you have spoken with ICANN constituency.

ADETOLA SOGBESAN: Yeah, I mean, ICANN constituency, they have coordinated it. They are aware. They have been the one that has been [inaudible]. They actually sent a mail. I composed a mail and forwarded to them and asked them to send to [their] commission. They've done that, and we are awaiting the feedback.

CLAUDIA SELLI: Okay. If there is nothing else. Someone was intervening? Sorry. Okay, if there is nothing else, I will adjourn the meeting, and we'll speak on 9 October.

**[END OF TRANSCRIPTION]**

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