
CHANTELLE DOERSKSEN: Good morning, good afternoon, and good evening. Welcome to the BC Call on Wednesday, January 15, 2020. In the interest of time, attendance will be taken via the Zoom room. I would like to remind everyone to please state your name before speaking and to keep your phones and microphones on mute when not speaking to avoid background noise. With this, I'd like to turn it over to Steve DelBianco to begin with the policy calendar. Steve, please go ahead.

STEVE DELBIANCO: Thank you, Chantelle. Chantelle, can you see the policy calendar in the Zoom room?

CHANTELLE DOERKSEN: Yes, I can.

STEVE DELBIANCO: Great. Thanks, everyone. I sent this around yesterday. Claudia is not able to be with us today, nor is Marie, but [inaudible] and I and Jimson will do our best to get through it and Scott as well.

Since our last BC call, there have been no public comment periods closed, so we haven't submitted anything formally in there. We have submitted comments on the Expedited PDP for implementing GDPR on WHOIS but we'll get to that a little bit later.

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 have selected public comment periods open right now. There are six of them and I'm pleased to say we have a pretty good set of volunteers lined up already but we are going to need a few more.

The first is a comment on the key signing key, which KSK is the acronym. The KSK rollover. And ICANN has a proposal that they would roll over each KSK every three years and the BC commented a little over a year ago—two years ago—on this in April of 2018 and then Jimson—thank you Jimson for volunteering—drafted a BC comment, circulated last week on the 11th of January. It's the first attachment to today's policy calendar. These comments don't close until the 31st of January but that means between now and our next BC call, we'd like to have input and edits on Jimson's draft. It's attachment number one of the policy calendar. Jimson, is there anything you'd like to add about that draft that you circulated?

JIMSON OLUFUYE:

Yeah, Steve, thank you very much. It does say that this should be of serious concern to every one of us and I want to urge you, as Steve mentioned, try and take a look because it's got to do with of course stability, reliability of the Internet itself.

But let me mention that because a key will be published two years before it is used, so I did propose that those, that [inaudible] signed MOU to ensure that they are staying compliant with the norm of confidentiality of the key published and released to them. That is the major highlight I want us to note. Thank you, Steve.

STEVE DELBIANCO:

Jimson, thanks again. I'm looking at the queue. Any hands up for questions or comments to Jimson? All right, not seeing any. I'll go to the second one.

The second is we finally have a draft report from one of the review teams mandated under ICANN bylaws. These are community review teams. This one is called the Accountability and Transparency Review. It's the third time we've done so at ICANN, so we call it the ATRT-3.

Tola Sogbesan is actually the CSG representative on ATRT-3, and Tola is a BC member. Tola, I don't see you listed on the participants, so are you on dial-in? Not hearing Tola.

So, we have two previous comments on this. In September, just a few months ago, we commented on the review team's survey. Tola and I did the response. And then a year ago or so we commented on the timeline options for the review.

So, this report includes some serious recommendations, including consolidating all these operational reviews into two, operational specific. So, there are some pretty dramatic recommendations and it's a very long report. So, we can look to Tola to help us work our way through that. But this is going to require some work from BC members who can help take a look at this.

Now, these are reviews that only occur every five years. It's a very comprehensive look at all of the accountability mechanisms that we and the community use to hold ICANN, the organization, accountable to us.

So, let me ask for a couple of volunteers to look at this. Comments close on the 31st of January, and again this is the draft report, not the final report. But it's so important for us to get our specific comments in early rather than waiting until the final is available.

Can I get one or two volunteers to help? Tola and I, of course, will do much of the work but we need a couple of extra hands. Let me bring up the chat in case I'm missing it there. All right. Can I get any volunteers to assist Tola and I with this draft? This is the Accountability and Transparency recommendations. That's not good.

Tola, I know you're on the line. I saw you just appear now, Tola. If we can hear you, give us your views as to what are the key items in this draft report from the BC to pay attention to. Tola? Can you hear me, Tola? I think he has an unstable connection. He keeps coming on and dropping.

All right, folks. That's two weeks away. We're going to need some volunteers, and for the BC to be absent on this would be tragic.

All right. Let me go to the next one. This is easy. This one is really easy. ICANN is proposing a couple of changes to the dates for future meetings. They proposed dates for 2024 through 2028, and then they want to change a meeting series for this year—the Annual General Meeting. They'd like to change those dates to October 8 through 13 of 2020. I don't know that we would have any concerns about that, but if you have any in the BC, now is the time to let us know. October 8 through 13 of 2020.

Okay, seeing no comments, we're going to probably not comment on that. We'll just let it go as an announcement. [inaudible].

The new gTLD auction proceeds, which currently has a few hundred million dollars of undesignated but reserved funds, ICANN Board decided years ago to take those auction proceeds and to allow the community to design a procedure, a process, for allocating those for the good of what are called community interests. So, naturally, in ICANN's land, that means creating a working group—a cross-community working group—that would come up with a method of soliciting and selecting and then funding different initiatives.

Marilyn Cade had represented the CSG on that working group. We now have a new representative. It's Anne Aikman-Scalese. Now, Anne jumped in but she had already been following it pretty closely and understands it pretty well. She circulated some initial thoughts on their final report—and this was back on the 30th of December. It's the second attachment to the policy calendar.

We did comment back in December of 2018 on the initial report coming out of this. Tola worked on it with me, with David Sneed, with Jimson and Marilyn. So, this comment closes 14th of February. We have four weeks. That's plenty of time. But it would be great for the BC to comment on whether we think that these final recommendations on the way in which the money would be allocated, the way in which allocation decisions would be made, I should say, will be done.

Can I get a hand or two from somebody who might assist reviewing this final report and updating our comments?

JIMSON OLUFUYE: Steve, this is Jimson.

STEVE DELBIANCO: Jimson, you've been [inaudible].

JIMSON OLUFUYE: I sent a comment to a list. I responded to your mail.

STEVE DELBIANCO: That's right.

JIMSON OLUFUYE: I don't know if you saw it.

STEVE DELBIANCO: I did. Go ahead. Tell everybody what you said.

JIMSON OLUFUYE: Okay. So, the actual amount is about \$212 million, and before us are two options. Either ICANN should manage the disbursement, the granting in house or it should be outsourced.

The BC had commented earlier that it's better a third party would do that so that ICANN can focus on its mission. But what Anne is suggesting now is that they need to do cost variation to see if there is going to be—

if we need to justify, based on cost of implementation of either it should be done in-house within ICANN or it should be outsourced.

So, I commented in my response to your mail that, yes, it's good with support and they should do the cost justification, but we still prefer that it is handled by a third party. And the only thing that can override that, if the cost of handing it by the third-party is excessively higher than if it's to be handled in-house. We really prefer that ICANN focuses on its mission, core mission, and they just have some oversight on the disbursement by professional third-party organization. So, that is basically what we said.

Also, the [report] is also to ensure that the empowered community has oversight over the budget as well, the money that we manage. So far, it was not captured in the report so it will now be captured. The empowered community will have oversight on that budget that will be disbursed year in, year out. Thank you, Steve.

STEVE DELBIANCO:

Jimson, thank you. With your [characteristic] focus on accountability, it's welcome to have your input on how that process works, and I'll remind the BC that this report is not making recommendations on where the money goes. It's recommendations on the process that will be used to solicit and select recipients of the funds. These funds were all provided by companies that were bidding to receive delegations of some of the new gTLDs, and yet ICANN has decided to put that money in a pool that's available for all ICANN community, not just the gTLD community. Do we have any volunteers that would help Jimson with

this? You have to unmute before you enthusiastically volunteer or we won't hear you.

All right. Tough crowd today. All right. Two more. Number five is a proposed amendment—they call it amendment 3. And this is ICANN's proposed amendment that it has negotiated for the DotCOM registry agreement held by Verisign. These comments close the 14th of February.

So, this isn't a base registry agreement. Com has its own registry agreement. It's not part of the new gTLD space. ICANN describes the amendments that they're putting out as ... Well, they described it as somewhat fulfilling the commitments that were made two years ago in the 2016 DotCOM registry agreement where ICANN and Verisign proposed to enhance the security, stability, and resiliency of the DNS and to begin to move towards certain elements that are in the base registry agreement.

So, I have four bullet points that I've taken from the ICANN description about what's in this agreement. Com is going to pick up the reporting and technical obligations that are in the base registry agreement and they're going to add a commitment to mitigate DNS security threats based on spec 11 and they're inheriting all the text that's in spec 11.3(a) and 3(b), and you know we discussed this extensively when we were together in Montreal, that spec 11.3(a) and 3(b) are the registry's requirements that no registrar can sell names in Com unless they have a policy against DNS abuse, that long list of a dozen abuses. And the obligation for the registry to do scans of the zones, entire zone, for security risks.

The second bullet here is that the Commerce Department of the US government which treats Com in some respects like a CC in the sense that it was an early gTLD that ended up being very heavily used by US business interest and US consumers. So, that's sort of a legacy hangover here. There's nothing about Com that's US-specific.

However, the US Commerce Department has always governed the working of Com through a separate agreement it has with Verisign. It's called the cooperative agreement. I have a link to it in the bullet.

The 2018 addition of that cooperative agreement concluded "that the domain name marketplace has grown more dynamic" and concluded that it was in the public interest that, among other things, Verisign and ICANN can agree to amend the Com agreement, to permit an increase in the price up to 7% each year for the final four years of a six-year period. I guess over a six-year period, getting four years at 7% is exactly the same as having about 4.5% a year of average increase. This would make Com prices, according to ICANN, go as high as \$10.26 through October of 2020. I don't mean 2020. That would actually be further out. That would be at the end of the six-year period.

Okay. They said they would incorporate any commitments related to registry, registration data access protocol—that's called RDAP which replaces Port 43 for WHOIS. And there's an obligation to formalize a framework so ICANN and Verisign will work together on SSR and that includes Verisign committing a \$20 million funding to activities that ICANN would undertake to preserve and enhance SSR.

So, we already have a robust set of volunteers on this—myself, Barbara, Jay Sudowski, Zak has volunteered, Andy Abrams and Mason Cole. So, we've got plenty of folks on that. I'll circulate a draft I hope by the weekend. We have some time but I'll circulate a draft.

Of course I'm going to pick up on our comments from Biz, Org, and Info but I wanted to ask this group today on the call, the BC has said now for several years that we don't think ICANN should be a price regulator, but are we okay of the fact that Verisign and ICANN are agreeing to adopt the US competition authorities prescription of putting a cap on Com prices? They will not allow Com prices to go up anymore than 7% and 4% the next six years. So, that is a price control but it seems to be one that they both agreed to. I would be interested to see what BC members think about that. You can just raise the hand. I see Zak. You go first.

ZAK MUSCOVITCH:

Hi, Steve. Thanks very much. From my perspective, which shouldn't be a surprise, I don't think that there's any justification for increasing prices. I don't see who is demanding increased prices other than Verisign, and understandably they would want increased prices.

I also note that just because the NTIA has stated in amendment 35, and its [inaudible] statement, that Verisign is free to pursue with ICANN a possible increase up to that maximum, up to the new maximum. It doesn't necessarily mean that ICANN has to agree to it but it doesn't necessarily mean that an increase needs to be at the maximum. It can be less than the maximum.

So, although I agree that price caps in a legacy TLD are important when there's no competition for DotCOM because there's no substitute, I don't think that the price cap maximum should be met in this particular instance. I think there's plenty of room for it to be priced as it is currently. Thanks.

STEVE DELBIANCO:

Thank you, Zak. That's no surprise. I know the group you represent has portfolios of a significant number of Com names, so even a tiny increase multiplied by a lot of names could be material for your members and I appreciate that.

ZAK MUSCOVITCH:

Also, not just for professional domain investors. A lot of companies, many of them who are members in this BC have thousands of domain names. Although everyone, including domain investors can probably live with incremental increases, the question remains what's the justification for it? Thanks.

STEVE DELBIANCO:

Thank you, Zak. Defensive portfolios of domain names are also held by companies. Again, the comment I asked was whether the BC is okay with price caps because we have earlier said that we didn't think ICANN should be a price regulator and the [inaudible] there would be that ICANN is adopting what the Commerce Department, who is a regulator—the US Commerce Department—what they have said in the public interest.

And they don't require ICANN to do it. They allow ICANN to do it. In its 2016 agreement, ICANN and Verisign agreed that they would be consistent with Commerce Department. But Zak is right, there's not a mandate that they do it.

ZAK MUSCOVITCH:

I would also add—and that's well said and fairly stated, Steve, and I appreciate that. I would also say that the notion that ICANN is not a regulator, in my view, is kind of like a red herring because of course ICANN isn't a regulator. They're not a government agency. So, who is a regulator?

Well, NTIA doesn't set prices either, so it's not regulating ICANN's prices. Really, the proper way of looking at it from my perspective is that ICANN is the steward of the registry and it's entitled to negotiate prices with its service provider, the registry operator.

So, rather than look at it as a price regulation exercise, I would tend to look at it as an exercise in establishing what you're prepared to pay your service provider, the registry operator, and what the registry operator is justifiably charging for its services. Thanks.

STEVE DELBIANCO:

That's right. In the base registry agreement, there are no price caps of any kind in any of the new gTLDs and the base registry agreement doesn't. And with the changes we had in Biz, Org, and Info at this point it's really just Com and Net that have price caps as legacy leftover. And whether or not ICANN is a regulator isn't the point I was bringing up. I

was bringing up the point that the BC has said, “We didn’t think that ICANN should be a price regulator.”

Okay. Anyone else want to join this drafting team? You can tell it’s going to be fun. Okay, thank you, Zak. Appreciate that. Look for a draft soon.

And then last item that’s in the current calendar, public comments, is this annual exercise where we look at the operating plan and budget for the upcoming fiscal year, which would be fiscal year 2021.

So, ICANN just published the draft operations and financial plans for FY21 and for FY draft plan for 21-25. Those comments close at the end of February. And Jimson, you’ve done all of our amazing work for a decade on this area. We commented, for instance, thanks to Jimson’s work just in August of last year on the assumptions that ICANN was using and the projections that they wanted to show for that 21-25 time period. And a year ago, in February of 2019, we commented on the budget that they had in place for the year we just concluded.

I would like to see whether we could get some volunteers from the BC to work on this.

JIMSON OLUFUYE:

Steve, the [inaudible] to work on it.

STEVE DELBIANCO:

Thank you, Jimson. Jimson, tell everybody who’s on the Finance Committee so that folks get some recognition.

JIMSON OLUFUYE: Okay, thank you. Right now, in the Finance Committee, we have [inaudible]. We also have Tim Smith. Yes, Tim Smith. And now myself. Chris [inaudible] is also there.

STEVE DELBIANCO: Great. Anyone else want to join the Finance Committee? Zak, your hand is still up but I'm pretty sure that's an old hand, right? Mark Datysgeld, I see in the chat that you said you would help to work because it implements the multi-stakeholder model reform. Mark, I'm assuming you're talking about ATRT-3. Do I have that right? Mark Datysgeld?

MARK DATYSGELD: So, this operational plan has a lot of things that were sent by Brian to be incorporated in the upcoming fiscal year, so it's sort of a continuation on some points, and in other points, it's not. I would like to work on the parts where it is a continuation. Thank you.

STEVE DELBIANCO: Okay, Mark. So, you're speaking of the draft plan. So, item six on the calendar has the Finance Committee led by Jimson, and then I see Tola and Mark Datysgeld will assist with that.

Okay. Let's take a look at the upcoming items that we have in the WHOIS policies to comply with GDPR. As you know, there's an Expedited PDP—EPDP it's called—and we have two members of the BC that represent us on there—Mark Svancarek and Margie Milam—and I

serve as their alternate. Margie, I don't see you on the list. Perhaps you're on the phone. But Mark is on the Zoom room.

Mark, I had laid out here my characteristic summary of where we've gone in the past two years on GDPR and was on the call yesterday. We're at another tough spot on this EPDP, partly because we're squeezed. We're squeezed between the contract parties who want to maintain the ability for themselves to analyze every single request for disclosure so that they can manage what they think is their risk of being fined for violating GDPR. And on the other hand, we have the community of security and consumer protection which includes BC members who want to be able to learn the identity of a registrar.

At this point, the European Data Protection Board and data protection authorities could break the log jam if they would give us sort of guidance on how we can design a system that appropriately manages the risks with ICANN stepping in and absorbing the risk. They have not been very helpful in that regard. And the contract parties are, at this point, pushing back pretty hard with a proposal that will debate on tomorrow's call.

So, with that, Mark, would you like to explain any more to your colleagues on where we are in the EPDP?

MARK DATAYSGELD:

Sure, I'll try. Margie is on vacation. So, let's see. I think you've done a pretty good summary. We had been considering—and I would never say we are committed to this but we've been considering the idea that there could be a centralized model, which is called universal access

model or unified access model, whereby there's a clearinghouse where you submit your requests and then there's a standardized authorization provider that stands between that clearinghouse and contracted party and that determines whether or not a disclosure should occur.

This would be the best for us, most likely, because there would be standardization, there would be consistency, and that centralized authorization provider could make the investments in both automation and other resources, human resources, so that the turnaround times and the quality of decisions could be pretty good.

There's always been pushback on this from the contracted parties because they never had legal certainty that such a relationship wouldn't just break them into jail, that this authorization provider might make bad decisions and they might be held liable for them.

This is based on some pretty tenuous legal opinion because you can enter into a joint controller agreement and divide the responsibilities between yourselves and then the one party is most likely accountable only for their own processing and the other party is most likely only accountable for their other processing.

A good example I like to use is if ICANN is the authorizer and the contracted party does the data collection and the data storage and let people know if they've been breached, if the contracted party were to have a breach and lose all the data, would ICANN as just the decider be held accountable for that simply because they're in a joint controller agreement? Most people would say, no, that doesn't sound very likely.

So, why the opposite would not also be true is something we've been arguing about.

Anyway, ICANN rushed a paper to the Data Protection Board. They rushed it both in ... It wasn't ready. It wasn't complete. And we got back a non-answer from the Belgian DPA. We didn't even get it from the Data Protection Board and it didn't really say anything. It basically said, "Looks like you're joint controllers." So, that was positive. At least we got some confirmation on that. And it said, "You're giving us a lot of technical detail. We're not really in the business of evaluating technical detail." But it didn't answer any of the important questions such as if you have a joint controller agreement and you divide the responsibilities, is the one party responsible for the processing of the other party? That's the key question. It wasn't really well-asked in the ICANN thing and the DPA didn't [inaudible] either.

So, the contracted parties decided somewhere along a spectrum between, well, they have clearly told us this won't work and we can't wait any longer. I'm not sure where the "we can't wait any longer" argument came from. I'm not sure why they feel like there's so much time pressure. I mean, I know that ICANN feels there's time pressure because Janis is going to step down in the middle of the year. He was only committed to do this for one year.

But for our perspective, I don't see why rushing into a half-baked thing is better than taking a little bit longer. But the contracted parties, basically they have these two opinions. One is that, clearly, this will never work. Liability will still [inaudible] even if somebody else is making

the decision. And also, it will take too long to get any clear guidance on this anyway. So, they're pushing something they call the hybrid model.

The hybrid model assumes that part of this proposal—the frontend clearinghouse where all the requests go through—that that would still be created and have a ticketing system and do all the logging and stuff like that. Then the backend system with the authorizers. The authorizers would default back to the contracted parties.

This is better than the status quo because at least you have the clearinghouse and logging and stuff like that. So, all these anecdotes that we were forced to collect ... Like right now we're saying, "Everybody, bring together all your statistics and anecdotes to demonstrate that people are not getting data." All right. In a clearinghouse approach, we wouldn't have to do that American. The statistics would be cleanly collected. I mean, I don't know that it would ever involve, result in any compliance enforcement but at least the statistics would be there in a public sense. So, that would be a benefit.

But it still leaves you with the idea that the authorization decision is reverting back to contracted parties, some of whom will invest in this and many of whom who will and who have we've seen consistently taken the most narrow, negative risk-averse, and in many cases, just simply wrong interpretation of the legal guidance that we receive. So, that's pretty problematic.

This morning we had a call—it was 5:00 AM my time which is why I sound so cranky—to discuss this hybrid model. I had given some

feedback on it and we've been drawing some pretty pictures and so we had to talk about that.

One thing I notice right off the top of the meeting is that both James Bladel from GoDaddy and Marc Anderson from Verisign—and this is very clearly rehearsed—were both trying to get us to say, “I just want you to just tell us that you can't accept any decision that has the contracted parties making the decision,” which is a false narrative. Certainly, the IPC was happy to step up and say we do not like any model that has the contracted parties making the decision. I saw it for the trap that it was and I said, “No, I just don't like anything where contracted parties will not invest the right resources and the policy is designed to accommodate the least-prepared contracted party.”

For instance, in this hybrid model, they're still saying that it's not a policy violation until you've delayed for 30 days, which means decisions are going to be 30 days and there's really no reason for you to have a 30-day policy unless you're accommodating the least prepared contracted—

STEVE DELBIANCO:

Right. And that's not 30 days to disclose the WHOIS data. That's 30 days to decide whether you're going to disclose because after 30 days, they could simply say, “No. Under [6.1(f)] we don't think that your request and your purpose justify us releasing information.”

MARK DATYSGELD:

Yeah. And that's my redline. I can't speak for the rest of the BC but if we can't get any motion on that 30 days, Microsoft is done. Microsoft [inaudible] takes additional steps in a different direction. So, I don't want to make that threat in plenary yet but I don't know where they're coming from with that 30 days. I don't know if that's them attempting to begin a negotiation or if that's their final offer. Either way, it's driving me nuts. If it's a negotiation, you're just wasting my time because I'll never accept that. And if it's their final offer, then clearly this is not going to work very well at all.

Having said that, we should make sure that the frontend portion of that—the decision clearinghouse with the ticketing system and the login—that does need to get done. So our path forward does need to ensure that that front end gets baked into policy and does get implemented. It's the backend issue that remains unsettled.

There's an interesting development. You may know that Thomas Rickert from ISPCP, he's a German lawyer. He's spent a lot of time really thinking about these issues and he's generally seen as a fair party. We all know the ISPCP is very closely related to the registries. So, we really can't count on his ISPCP vote within the GNSO Council.

But what I've been seeing is that his legal interpretation of joint controllership and the Belgian DPA letter is essentially the same as mine and we both say, "Contracted parties, you are really misinterpreting what's going on here. What you say is going on is not what they said, etc."

And the registries have been coming back and really beating on it, really telling them to back off and shut up. And he is [inaudible] this in a very negative way and it's really just encouraging him to double down and fight back against them, basically pushing him more firmly into the rest of the CSG.

STEVE DELBIANCO: That's good, Mark. We need the help.

MARK DATYSGELD: I think that's a good development and I've been trying to build on it.

STEVE DELBIANCO: Mark, I've said this to you privately, but if Microsoft has any muscles that it can exercise in Europe, now would be the time to get—

MARK DATYSGELD: Yeah. My Brussels team has now put me in contact with ... I think his name is David Stevens. He's somebody over in the Belgian DPA and my communication with him so far has just started with, "I regret to inform you that the communication from the Belgian DPA to the ICANN Organization was not understood within the EPDP, that in fact there are two strongly divergent opinions about what was communicated." So, just right there, we need more confirmation from the DPA because we're not even agreeing with what you said. It may have seemed clear to you but it wasn't clear to us, apparently. We'll see how I can develop

this relationship further, but yeah, that communication just started yesterday.

STEVE DELBIANCO: Are there other members of the BC with great relationships with the Belgian Data Protection Authority who could help Mark with this? I know Claudia does but she's not on the line today. Denise, go ahead. Your hand is up.

DENISE MICHEL: Hi, I was just answering your question. Mark, I'll ping you offline.

MARK DATYSGELD: Thanks.

STEVE DELBIANCO: Thank you, Denise. Appreciate that. Anyone else? Okay. Mark, thanks for that update. I assume we have our prep call tonight at 5:00. All BC members who are interested can join that prep call.

MARK DATYSGELD: As a matter of fact ... So, we had a small group meeting this morning at 5:00 my time as I mentioned and we're having another meeting of that same group later this afternoon and it's at the same time as our normal prep call, so I have proposed to Brian to move that up one hour earlier so that we can do both.

STEVE DELBIANCO: That's great and I'm happy to join the small group call if there's room.

MARK DATYSGELD: Okay.

STEVE DELBIANCO: Thank you, Mark, for all you're doing on that. Margie is on vacation but we'll thank her as well.

MARK DATYSGELD: Yeah, she deserves it.

STEVE DELBIANCO: Both of you do. You worked so hard on this. Channel 2 is support for council and Scott McCormick is on the call. Scott, what I've got in the Zoom room, since I think you are on the road, is that we recapped that on the 5th of December there was a letter the council sent to Goran on data accuracy and WHOIS reporting.

I did a recap of the 19th of December meeting that you held for council and talked about the EPDP Phase 1 recommendations on Purpose 2 rec 12 where we did not get what we sought but it was a valiant try nonetheless.

Then I indicated that the next council meeting is on the 23rd of January and we have no agenda yet but I'm sure you may have some ideas on what council is going to talk about. So, over to you, Scott.

SCOTT MCCORMICK: Thanks, Steve. Yeah, I'm on the road. Sorry for any road noise. Also, just to make note, this week is the SSR-2 Review Team's face-to-face in DC, so I'm out in DC for that. Then next week both Marie and myself are in LA for the Council [SBS]. So, other than that ... Sorry, I don't have my notes up in front of me. I think everything is covered in what you have there, Steve.

STEVE DELBIANCO: Scott, you and Denise are both serving on that Security, Stability, and Resiliency Review Team. I know you presented in Montreal. What would be your current thoughts of when we would expect a draft report?

SCOTT MCCORMICK: So, we are hoping to be able to be wrapping everything up this week during face-to-face and then have the tech writer finalize a draft report for delivery in Cancun.

STEVE DELBIANCO: And then another question for council. Chris Wilson of Amazon asked, "What is the budget situation for this EPDP?" It is funded from GNSO. Is there money in case this is going to have to go further than June of 2020? Scott, has that come up in Council yet?

SCOTT MCCORMICK: I believe it has. Off the top of my head, I'm pretty sure we've talked about it. I know it will be talked about next week at the [SPS]. So, we will follow-up after next week's meeting.

STEVE DELBIANCO: Scott, ask the question please, both going into and at the council meeting, because it will be important to clear the record that there isn't some drop-dead date in June by which the EPDP has to shut down for lack of funding, please.

SCOTT MCCORMICK: Okay, will do.

STEVE DELBIANCO: Okay, thank you. Not seeing now any other hands. I'd like to go to Barbara Wanner for CSG. It's up on the screen, Barbara. Over to you.

BARBARA WANNER: Thanks, Steve. Can you hear me okay?

STEVE DELBIANCO: Perfectly, thank you.

BARBARA WANNER:

Great. Thanks. I'd just like to devote this time to really talking specifically about people we might have in mind for board seat 14 for the GNSO Council chair and for the vice chair position. The reason for that is we will have a CSG ExCom meeting on Friday and I would like to be able to go in and offer some BC ideas on that.

So, I don't know. I just opened this to the floor. Would Matthew Shears—forgive my lack of understanding of all the legal requirements—but could Matthew be nominated for yet another term? And if so, would people be okay with that? Let's start with that. Anyone?

STEVE DELBIANCO:

Barbara, Matthew Shears could be nominated for that board seat again—and yet, this is a process for the rest of the BC members. There are two board seats for the GNSO. One goes to the contracted parties and they have Becky Burr in that position. For the non-contracted party house, which is us and the non-commercials, we always try to come up with some sort of a compromise candidate, one who's acceptable to both the business community and the non-commercial community.

At this point, the relations between commercial and non-commercial are probably as bad as they've ever been and it's brought to a head because of the EPDP and the clash over WHOIS, where the non-commercials believe they've won a thermonuclear victory through GDPR and the abolition of WHOIS and are resisting our efforts to bring some level of access for WHOIS to protect consumers.

So, we are in a mess right now with the NCSG and the path of least resistance might well be to jointly reappoint Matthew. And I'm just speaking of the politics and the relationships. It's my belief that Matthew is an adequate member of the board. He's very intelligent and very attentive to all of our needs but he's by no means an advocate for business interests, nor do we expect him to be. That would be my view. Let's take a queue on this. Denise, your hand is up.

DENISE MICHEL: Yeah, thank you. Can you hear me okay? I'm in transit as well.

STEVE DELBIANCO: Perfectly.

DENISE MICHEL: Yeah. I don't fully agree with you, Steve. I'd like to have us recall negotiations and conversations about taking turns with the NCSG on filling this board seat, as I believe under the agreement—although I'm a little hazy—it is our turn to have a business commercial experienced person on the board. I think it is as critical as it has ever been to have someone on the board that actually has a background in business, and in particular, in the key issues that the Commercial Stakeholder Group has continued to fail at ICANN, to move the needle on in any reasonable way.

We have a near failure of the WHOIS PDP. We have made no inroads to speak of on abuse mitigation and security. You can go to our position statements and look at actually the results and even responses, if any,

we've gotten from ICANN and ICANN clearly is not taking into account the interest of consumers and businesses in many of its discussions and its decisions.

So, I would encourage us to step back and take a hard look at what's at stake in upcoming ICANN Board decisions and ICANN actions and do some more due diligence and consideration of whether we can find a candidate with strong business and a security background, too, serve on the board.

STEVE DELBIANCO: Denise?

DENISE MICHEL: Yeah. I'm just going to conclude. In my view, Matthew certainly is intelligent and diplomatic. I have found his tenure to be underwhelming in terms of both communicating what's occurring at the board, staying in contact and understanding the Commercial Stakeholder Group position and needs and I think we should advocate for a much stronger candidate. Thanks.

STEVE DELBIANCO: Thank you, Denise, and I can see why you started by disagreeing with me because I think you've mistaken the board seat for the council vice chair. It turns out that the board seat is not the taking of turns. It must be a consensus. So, Denise, I know you're traveling but I put into the chat the current procedure and it's not a taking of turns.

BARBARA WANNER: Steve, I was going to jump in with that same point, that the swapping, if you will, with respect to vice chair position. I don't disagree with the sentiments that Denise expressed but that the procedure for board seat 14 is not exactly a swapping back and forth issue.

STEVE DELBIANCO: Not even remotely. It's on the screen. We are supposed to come up with a consensus candidate. We do interviews and we have to agree on one consensus candidate. And if we cannot, we have to find more candidates and keep going until we get a consensus. And it says here that CSG and NCSG will vote on the candidate running versus none of the above. And we each get one vote and that means that the threshold is to two votes. So, we have to agree on a candidate, and if we don't, we keep going and keep going and keep going. Right, Barbara?

BARBARA WANNER: Right.

STEVE DELBIANCO: Okay. Anymore thoughts? I'll turn it back over to you, Barbara, and I'll put the policy calendar back up.

BARBARA WANNER: No, that's very helpful, Steve, and I appreciate you putting up that link to the NCPH election procedures. But on that issue of the rotation, if

you will, of CSG/NCSG vice chair positions, does anybody have any ideas of who might be a good candidate to succeed Rafik in that capacity from the BC? I'm sure the IPC and the ISPCP will also have some ideas that we'll discuss on Friday but I wanted to put that out to our group. Anyone?

STEVE DELBIANCO: Barbara, what are the criteria with respect to a council member? Must they be a council member who's already seated and elected?

BARBARA WANNER: I believe so, yeah. I guess that would then ... We'd have to ask Marie and Scott if they would be interested, and again, among our other colleagues in the NCSG.

I think Marie in the past had shared that I think one of the IPC council members might be interested. It's unfortunate she couldn't be on the call today. But after the ExCom call on Friday, I'll just fill everybody in on what is discussed.

STEVE DELBIANCO: So, Scott, you're on the call now. Scott, if you are interested in running for council again and you are also inclined to be vice chair, you should let Barbara know. Privately is fine but you should let her know immediately before she has to deal with this call.

SCOTT MCCORMICK: Sounds good. Thanks, Steve. Barbara, let me talk to Marie about that as well.

BARBARA WANNER: Okay. Great. We have to decide tomorrow, so we still have a little bit of time but I wanted to get us actively thinking about this before it's too late. We feel like we're facing a crunch.

Then, finally, the successor to Keith because he is term limited. Any thoughts there? Again, I believe this would have to be a current council member.

STEVE DELBIANCO: Right. And that would seem to be the more important of the two positions, right?

BARBARA WANNER: Right. Yeah. Obviously.

STEVE DELBIANCO: Any thoughts, Scott or others, that are closely following what happens on council?

SCOTT MCCORMICK: Yeah. As far as I go, I don't think I have the bandwidth to be able to support that but we can ask Marie as well.

STEVE DELBIANCO: And then, Scott, your view of other councilors who strike you as really even-handed and fair-minded?

SCOTT MCCORMICK: There's a bunch of new councilors that I haven't gotten a chance to get to know yet. Obviously, that will be taking part next week. Marie may have more insight on that but I'm not sure on that.

STEVE DELBIANCO: So, Scott, you will be in Los Angeles next week along with Marie and we're also going to have Mark Svancarek and Margie Milam there because the EPDP is going to be there at the same time.

BARBARA WANNER: Okay. Well, you know what, I'll just follow-up with Scott and Marie on these GNSO positions. But I guess what I want to get a sense for is does the BC want to actively investigate or research possible successors to Matthew on which we could hopefully reach a consensus with the NCSG? Is that how we want to proceed? Is that the view that you would like me to share with our counterparts on the CSG?

DENISE MICHEL: I would.

STEVE DELBIANCO: Yeah. Let's reveal that, without saying anything pejorative about Matthew, let's just reveal that these are opportunities. These elections

are opportunities to investigate whether there are candidates that could meet the joint support and that would bring something really special to the role because it's a very important role. That way, we can keep it going. And Denise, let me ask you if you have any ideas coming right in? Any ideas of people that you think would be better for business than Matthew but still potentially acceptable to the NCSG?

DENISE MICHEL: Yeah. I'll give this some further thought and follow-up with you and Barbara. Thanks.

BARBARA WANNER: Okay.

STEVE DELBIANCO: Thank you, Denise.

BARBARA WANNER: All right. Thank you. Okay, that's it from me, Steve. Thanks.

STEVE DELBIANCO: Okay. Thank you, Barbara. Chantelle, could you put the full agenda back into the Zoom room? And Jimson, I think we're coming to you next.

JIMSON OLUFUYE: Okay, Steve. Reporting on the finance and operational processes. This, the time now, we are [filing] our budget request, additional budget

request. Apart from the standing ICANN budget, there is another standing funding amount to meet community needs. And through this, we send a request, for example, requesting ICANN to publish newsletters, [inaudible], publications and facts sheet and so on and so forth.

So, for FY21, the process are started and we're putting in for three items. One is the BC leadership development support, funding support from ICANN side. And this leadership development provides for members, mostly from developing countries, to be able to attend ICANN meetings.

For the past years, this has been approved, so we put in for this for one person from developing country to participate that is a member of the BC to participate in meetings. So, for ICANN 67, we [inaudible] someone and ICANN 68 another person, but usually from the same region.

We also put in for support for BC officers. This one has been standing, so it's now in the main budget. So, there may be not much need to [inaudible] this.

But on CROP, CROP has been problematic. CROP is Community Regional Outreach Program, which provides for members to do outreach in the region of ICANN meetings. It has been mostly restrictive to member who I'm going to tweak the request this year to include potential BC members should be able to use it. So, I will tweak it because the initiative for CROP was actually BC initiative [inaudible] in 2013-2014 and we'll be reviewing its usefulness so far.

But for ICANN 67, there is no application to use CROP just because it's restricted to members in Latin America. So, [inaudible] was to use it, but unfortunately she couldn't make it. So, that's on the additional budget request. We'll let you know that we send that in [inaudible] process.

On operations, we've reviewed our membership and there are some members who have been delinquent in their payment and so we have refreshed our membership databases. So, I would like to urge everyone to take time, just look through the BC listing of membership on our website and be sure that the link to your website is accurate. If it is not, please reach me or Chantelle.

Also, we've begun an annual communication with our membership with regard to access to archived materials on the backend of the BC website and also for you to [inaudible] the privacy-policy. So, the communication has gone to you, but if you have not yet sent it, please communicate with Chantelle and myself. You need to be able to access minutes of meetings, [inaudible] backend. So, you need to log in with your passcode so that you can see what your ExCom discussed and also get up to date with some other classified information.

Lastly, on the [inaudible] to the last [inaudible] BC information. This has been [passed across]. We are really finalizing the process of [inaudible] the data of our members. Just small bios about your company, [inaudible] about yourself. Give us a bio about your company. Also, [inaudible] yourself. So, we want to do [inaudible] anniversary celebration coming up in Cancun. We are compiling this documentation and it's going to be a milestone on that occasion.

Then we will get to the celebration itself. We have two parts to the event. First is the outreach part which the [Outreach] Committee, we met last week. The Anniversary Committee met last week. We've agreed that we'll have outreach to businesses in Mexico, in Cancun and Mexico generally during our BC open meeting in Cancun. I'm collaborating with [inaudible] leadership in Mexico that is going to invite top business people, a number of business people, to attend the outreach. So, that is already ongoing.

Then, the second part is for us to have a good time out in the evening of the occasion, the evening of the celebration. We are talking with the [JEMS]. That is one of the options regard to having a nice [inaudible] as well. So, we are taking costs right now and we intend to, after reviewing, make a decision. So, we are also discussing with the local people, with local friends, so that we can get appropriate estimates.

Then, there is going to be a video, a video recording. This is the last point. There will be a video recording of the business activity, how we started. It's going to be a milestone recording [inaudible] part of what we do.

Thanks to Mark Datysgeld and Andrew Mack and John Berard working on the video. So, many of us will be communicated so that we can shoot a personal maybe audio recording or video recording. They'll ask you three questions, why you are in BC and how it has benefitted you, your company, and what are the things you are looking forward to, to impact in the BC in regards to your company and how you want the BC to also add value to your company. So, they are working on that structure and you'll be communicated shortly.

That is it briefly from my side but—

STEVE DELBIANCO: Jimson, I am not hearing you. Are you still there?

JIMSON OLUFUYE: Yes. Steve, that's it for me.

STEVE DELBIANCO: Thank you, Jimson. We can now ask whether there is any other business on behalf of BC members.

MARK DATYSGELD: Very quickly.

STEVE DELBIANCO: Go ahead, Mark.

MARK DATYSGELD: Just to Jimson. As far as I know, I'll be going by means of CROP, so unless something has changed on the meanwhile, I'll be using that slot. I received the email, so that should be good. Thank you.

STEVE DELBIANCO: Thank you, Mark. Any other business? Looking for hands up. Here's a reminder to mark your calendars for January the 29th, two weeks from

today at the same time we'll have our next meeting. That's just a couple of days before the due date on the key signing key [comment]. But please try to get Jimson and I your edits before then. And Chantelle will be sending around a meeting invitation for that.

So, if there's nothing else, thanks all and we'll talk to you in two weeks. You can close the meeting down now, Chantelle.

CHANTELLE DOERKSEN: Thank you, Steve. Thank you, everyone. Goodbye.

[END OF TRANSCRIPTION]