
CHANTELLE DOERKSEN: Good morning, good afternoon, and good evening. Welcome to the BC Members call on Wednesday, April 8, 2020.

In the interest of time, attendance will be taken via Zoom. I would like to remind all participants to please state your name when speaking for the transcript 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 our Vice Chair for Policy Coordination, Steve DelBianco. Steve, please go ahead.

STEVE DELBIANCO: Thanks, Chantelle. Greetings, everyone. You're probably on your fourth Zoom call today with several more to go. I know I'm ready to get back on an airplane. I thought I would quickly lead us through the policy calendar which I circulated last night. Anybody didn't receive it, let Chantelle know in the chat and she'll circulate it.

We have three comments filed since our last meeting. On 31st of March we commented on the SSAC's Name Collision proposal. Mark Svancarek and I just did a very brief comment from the BC on that. On March 31st, we did a comment on ICANN's draft proposal for their NexGen Program. Mark Datysgeld had previously drafted the prior BC comment, and the good news was that ICANN listened to many of Mark's suggestions. So, Mark Datysgeld, thank you again for coming through with another BC comment which we filed on the 31st. Thank you.

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.

On the 3rd of April, we filed a comment on the Middle East and Adjoining Countries Strategy that ICANN put together. Let me just call out Andrew Mack and Lawrence Olawale-Roberts who are doing an outstanding job on that comment. They focused everything about business, registrants, and business users of the Middle East. That's a continued theme for us to hammer on the idea that what ICANN org should be worried about is taking care of registrants and users and not trying to be a economic development program to create more registrars in different parts of the planet. We've hammered on that and I think the message is starting to get through – make it about registrants, make it about end users. So we'll continue to work that hard. I'll bring up the chat here just in case anybody is asking me a question.

All right, so that's it for the comments that we've filed in the last two weeks. Let me turn now to the currently opened public comments. There are three that I took notice of. There are two more with respect to special scripts, non-Latin IDN scripts, but I'll focus just on these three. The first is ICANN has revised the guidelines for the support they provide to travelers coming to ICANN meetings. Those comments close in six days, April 13. We commented on the Draft Guidelines 2018 and then volunteers Jimson, Mark Datysgeld, and Arinola drafted a BC comment, it's Attachment 2 to my Policy Calendar. I circulated it to all of you earlier. Please review and give me your replies by the 12th of April so we can file that on time. I'll bring it up on the screen and see if there's any concern for BC members who want to look at it. Jimson, Arinola, Mark Datysgeld, anything you want to say about it? I have it in the Zoom room right now. Any questions for the drafters? You can see it's really practical advice from the BC on ICANN supporting our

members at being able to get to meetings with travel support. Fantastic. Thank you.

Back to the Policy Calendar. The second one up is the Phase 1 Initial PDP Review report on all RPM (Rights Protection Mechanisms) in all gTLDs. This is a massive effort. It's been a PDP that's going on for years as they took a hard look at these key elements of the New gTLD Program that were part of the Guidebook but not ever adopted by Council as consensus policies. Things like the Uniform Rapid Suspension, the Trademark Clearinghouse, Sunrise Period and Claims Service, which were there largely because the BC and IPC convinced Fadi Chehadé to put them in back in 2013. Then we have the Post-Delegation Dispute Resolution Procedure. So we commented on this back in 2015 when they started, and I want to thank volunteers Jay Chapman, Zak Muscovitch, Marie, Mason, Andy Abrams, and David Snead. I created a Google Doc for this massive comment and focused only on the items that we would need to look at. I have since been in there, I saw that Andy Abrams – thank you very much, Andy – added several suggested and I made those bold so that it would be easy to distinguish from the text. Marie, I think you've been in there. All of you are welcome to either add text or comment on text that's in there. In the Google Doc itself you can do both. If any of you have difficulty with the Google Doc, let me know. I'll send you a Word doc so that you can do your edits there. But it's easier if we all stay in one doc. We should get all of our comments in as drafters so we can share with the full BC around the 20th of April. So, Andy and David, thank you for volunteering when I asked last time for BC members that had experience with those Rights Protection Mechanisms because you have the most to offer us. Would

any of the drafters like to offer any comments? Are there questions from BC members? Zak, thank you for adding comments as well. Okay, I'm not seeing any hands up. I'll thank you again for that.

The third and the only other open public comment to pay attention to is: the new Addendum that's come out for the Phase 2 report on the expedited PDP for registration data that WHOIS system in the post-GDPR world. We have until the 5th of May for this. That deadline was extended at the request of the NCSG who thought the coronavirus crisis created the need to give more time. I fail to see the logic in that because everybody seems to have more time than they've ever had before. This is a critical comment for the BC. It's a very brief Addendum and it has conclusions in there that we're going to want to take a strong position on.

Mark Svancarek, Margie Milam, and I are working on the EPDP Team, really pressed for this Addendum to be clear, to be truthful about three conclusions of the EPDP Team that would really focus more attention on what is going on inside of that team as the Non-Commercial align with the Contracted Parties to block progress on a couple of long-standing issues. One is this idea that WHOIS should still be publishing the e-mail addresses and information for a legal person for corporations who are the registrant. At this point, the Contracted Parties don't want to have two different pass for publication and the NCSG treats it as a privacy sin. So they have outvoted us in the EPDP but if you read the Addendum, you'd never know that. If you'd read the Addendum, you'd think that there's some confusion about the issue and that we need to go back to Council for guidance. That's not accurate. So I think in this comment, we really need to hammer home the idea that in the EPDP Team, decisions

are taken to block policy and they are often afraid to admit that they are complacent in allowing registrants who are perpetrating fraud to hide behind the anonymity or to hide behind the blocked out or redacted data of GDPR.

Another issue was the accuracy of data. This was expressed within our remit but Council created enough of a doubt about whether it should be. Then again, the NCSG and the Contracted Parties said, "No, we're not going to do anything on it." But the accuracy of data problem is another one where we need to note and call out what happened in the EPDP with respect to voting. There's also the Purpose 2, ICANN's purpose that we need to get it on.

So this is a very brief comment. I'll turn the Google Doc into something that you can all comment on. And I want to thank Mason Cole for already volunteering. Mason, I invite you to use some of the excellent stuff you put into the CircleID post. What we're witnessing today with DNS abuse associated with the coronavirus is an example why we need to be focused on publication of legal persons putting up domain names, registering domain names that they're using for fraudulent purposes. I love it because it's all fraud-focused. It's not focused on trademark. Let's make it about the frauds and that's the BC's special position here. With the IPC worried more about trademark concerns, we need to focus on how it hurts registrants and business users of the Internet. So besides Mason, who's volunteering? Can I get a couple of other volunteers on this one? It's not very long. Mason, I'm glad to have you speak up as well. Go ahead, please.

JIMSON OLUFUYE: I would also like to join you.

STEVE DELBIANCO: Thank you, Jimson.

JIMSON OLUFUYE: I'm saying this because there'll be some articles out now that illustrates something that's happening at ITU with regard to changes on the IP architecture, and due to concerns of us [agreed to] as well, especially as we look at 5G, I know that technology going forward. So it's very important we get it right. This issue of accuracy and are we sure nobody hides behind all this.

STEVE DELBIANCO: GDPR?

JIMSON OLUFUYE: Yeah, GDPR masking, what have you. So I would like to join in and we need to really ensure that we get it right at this point.

STEVE DELBIANCO: Thank you, Jimson. Mark and Margie, I'm assuming that you'll assist Mason, Jimson, and I on the key points about legal persons, accuracy of data, and Purpose 2. So when that time comes, I'll put it in your hands as well.

MARK SVANCAREK: Yes, of course.

STEVE DELBIANCO: Margie, go ahead.

MARGIE MILAM: Sure. Hi, everyone. I just wanted to [invite] a little color to it. Steve DelBianco was sharing with regard to the addendum. One of the things that really troubled us as we got to the publication of the Addendum was that the group flat-out refused to discuss the legal natural person distinction. This was actually after we received legal advice that gave us several options of how you could actually incorporate changes to the policy that would affect the record of a legal person versus a natural person. And as many of you know, the GDPR does not apply to the information of a legal person. So this is not a GDPR compliance issue, it's simply an absolute block by the Contracted Parties and by the NCSG that even discuss any policy recommendations related to this.

So when that happened in the EPDP, I actually raised quite a fuss because that was one of the central issues that the EPDP was formed to address, and so I asked for us to be able to submit a descending opinion to the Addendum so that the focus of the public comment period could actually see what the issue was, and I was shut down on process. So it was actually quite shocking in that they would not even allow the BC, and there were others on the ALAC as well with equally upset about this and was willing to put in a descending opinion about it, and we were simply told we were not allowed to do so.

The other thing that's happened is that because of the artificial deadline that was set by the Council, meaning that everything had to be done by June 30, essentially the group said, "Well, we don't have time, so we'll just punt." But to me, that's a significant flaw in the policy process and we're not doing our job. This Addendum I think is very important for us in the comment period to really identify the key areas of where we think that they've made a mistake in the policy recommendations in the Addendum. So definitely the legal natural person is one.

The second one is the accuracy issue as Steve mentioned. And just to remind you, what happened in the EPDP related to accuracy, Georgios from the European Commission, who's the member of the EPDP representing the GAC, told the entire group that the policy itself, the compliance, is at risk if we do not address the accuracy issue. Despite the fact that we heard that loud and clear from the European Commission member on the EPDP, we were still told that it was out of our hands and we shouldn't address it.

So I think these are two really big points that we need to highlight and let the group know that this is a problem for the BC.

STEVE DELBIANCO:

Thank you, Margie. We will make the process complaint but I believe you'd agree that in addition to the process point, we'll hammer more on the fact that NCSG and Contracted Parties blocked what could've been a consensus to address accuracy in the publication of legal persons, that it was a policy blocking that they did more than a process problem, and I think that by doing so will gain the agreement from the SSAC, from the

ALAC, and maybe even the GAC. It's possible that because the GAC has said a lot about these issues that maybe they'll even weigh in. And at this point to try to generate a focus on the fact that the NCSG and Contracted Parties are attempting to block in the EPDP, block consensus, is going to isolate and embarrass the position that they have taken. We will not prevail a Council where we don't have SSAC, GAC, and ALAC there to vote. So this is our only chance to try to muster a majority against the position that those groups are taking and to expose their decision not to publish commercial registrants. Their decision not to require policy on accuracy is a decision that looks terrible in today's DNS abuse environment. I think that focusing on that decision that they made will even be more important than calling out the ICANN process problem that Margie discussed. We need to do both in our comment, I think. Any further volunteers or comments? Thanks, Margie. All right, okay. Thanks, everyone, on that.

The next section to the Policy Calendar delineates several things that have been happening on the WHOIS policies and GDPR, and highlighted in yellow, what I'm scrolling to right now, which is the Domain Name Registration Data at the Crossroads. It's a new report that's published by Interisle Consulting. Folks that we've worked with many times before – Greg Aaron, Dave Piscitello, Lyman Chapin, Colin Strutt – their research concludes that overall, there is a failure to provide the domain name registration data access predictability and reliability that ICANN exists to deliver and registrars are obligated to provide. This is not a very long report but it is well worth a read. I've linked to their page which includes their CircleID post. The single table that shows that two dozen large registrars are by and large failing to implement the

Temporary Spec, failing to implement the RDAP as required, failing to follow policy. And at this point, in the current crisis with DNS abuse, this again focuses on ICANN's failure to enforce contracts and failure to enforce consensus policies, even those that came out of the Temporary Spec of EPDP.

I think that that will also generate the potential for us to get the SSAC, the ALAC, and the GAC to agree at this critical juncture because we are in the EPDP trying to go through the Phase 2 initial report and address public comments. The key to that for us thus far has been what is this mechanism that will allow the policy that comes out of EPDP to evolve over time? We call it the evolutionary mechanism. And if there were a mechanism that would allow an implementation team to expand the number of accredited groups that could get disclosure, then we'd have an opportunity at least to gain access to protect consumers, to do cybersecurity research, and to protect trademarks. But at this point, we're hearing terrible signals from the NCSG and Contracted Parties wishing to block the ability for implementation to evolve the system. So on tomorrow's EPDP call, we are likely to seek alignment with the IPC, ISPCP, GAC, ALAC, and SSAC. It will not be a pretty call but I'm just trying to set the table a little bit, and I would like to turn it over to Margie and Mark to give their color on where we're going on the EPDP Phase 2.

MARGIE MILAM: Sure, Steve. If I can jump in and –

STEVE DELBIANCO: Please do.

MARGIE MILAM:

One of the other issues I think that the BC should be aware of is when we came to the recommendations in the initial report, we came to them to create this policy that was considered a hybrid policy. In other words, the idea is that the SSAD would evolve over time as illegal developments happen, there was more clarity so that there could be more and more automated use cases. The reason we tentatively thought that that model could work was because we received assurances that the model could evolve over time through some lightweight mechanism that quickly make decisions on, "This is a good use case for automation and the laws changed here, let's allow the SSAD to do this," and to move some of the decision-making away from the Contracted Parties to a centralized system.

But what we've since learned as we negotiated this with the members of the EPDP is that it looks like they're not willing to allow a mechanism that would allow those kinds of changes unless it goes through a formal PDP. In our view, that's not a sufficient tool to do this because as we all know, it takes years to get a policy through a PDP, plus years to implement it. So essentially, what it would mean is that the policy as it's adopted at the end of this process would be the policy for 5-10 years, so it's not going to evolve to address our needs. Just so you understand what the current proposal is, the only automation that exists in the policy today as listed in the initial report is law enforcement requests in jurisdiction. In other words, a request to a registrar that's in the same jurisdiction from the law enforcement officer making the request.

And the second one is a UDRP or URS case, and that's only for the provider. In other words, WIPO should be able to get automated access to the data when a case is filed. Even that second scenario is now being challenged by the Contracted Parties and the NCSG because they think there's not a sufficient legal basis for that. So what this means is that there will be no automation. All we will have is what we call glorified ticketing system that is an entry point that's automated, but then after that it gets distributed to the Contracted Parties and it's essentially at their sole discretion as to whether or not they will grant a request. So we don't see how this will be in any way able to satisfy the kinds of needs that the BC folks, especially the ones that are on the front lines doing cybersecurity type and mitigation can possibly use it in an effective way. Mark has been very vocal about this. Mark, I'm sorry if I've spoken too long. But just so you understand, the system – without some sort of easy lightweight mechanism to evolve, to allow additional use cases, the system will never be what we thought we were going to get into when we first talked about the hybrid model.

So what's happening on the IPC side, and I think this is where we would like to go on the BC side is to say given that we're not able to get to that place, we think the right answer is a centralized model and go back to the centralized versus staying with the hybrid. Because the reason we went to the hybrid model is we had heard that there was some concerns over the legal structure, and since then the Belgian DPA has essentially said they prefer a centralized model. So that's where we're going to try to negotiate over the next few weeks, assuming that the rest of the BC supports this. But I just want you to understand that unless it's centralized and more is automated, the system is probably

not going to address most of the needs of the BC folks that are really looking for this to be a real fix.

STEVE DELBIANCO:

Mark?

MARK SVANCAREK:

Thanks, Margie. Please don't hesitate to say more stuff. The more things that you say, the fewer things that everybody else has to listen to me stumble through. Margie did hit on all the main points of concern. I do want to clarify a little bit about when we say we'd like to go back to the centralized model. One of the things that was killing us in the centralized model even before the Belgian DPA letter was a lack of certainty regarding liability in the case of joint controller agreements. I know that sounds a little dry and I won't go into exactly what the issue is, but there was some fear that responsibility could be allocated between two parties – ICANN and the Contracted Party – and ICANN's mistake could still blow back on to the Contracted Party. So we didn't get 100% clarity on that right now. That was I think the real reason why we were headed towards deadlock in the absence of a hybrid model, then with the Belgian DPA letter and its subsequent misunderstanding of it by certain people in the Contracted Party House, that's what tipped the scales over into the hybrid model.

The way I understand what the IPC is discussing and what Margie was describing is that our policy would state once we receive the kind of feedback that you need, the policy flips back over to the centralized model. Because right now, if we say – we think the only thing that's

going to work for us is the centralized model, well, that's a conversation we lost three months ago. So the policy has to be something along the lines of as soon as we get the certainty then it will switch over. If we were working with people who are interested in actually solving the problem, that would be useful enough because that would remove the final block. I think what we're going to see instead is people saying, "Well, goodness. That sure seems like a complicated thing. Why can't we just stay with this hybrid model?" even if we do get the legal certainty. You could imagine why various companies, individuals, and constituencies why they would prefer that approach because it would make processing less efficient, less common, less costly to implement, things like that.

So I do support the approach that Margie put out. I think it's the best approach. Just make sure that we're all pushing together on it and making sure that we have responses to push back on any objections that we might hear to it that such a policy is too hard or too complicated or too one thing or too another thing. It's our best way for it at this point although I'm not saying that that means very much. Thanks.

STEVE DELBIANCO:

Thank you, Mark and Margie. Keep in mind that the NCSG and the Contracted Parties prefer the status quo of the Temporary Spec and therefore in the position of blocking any changes to that in terms of policy. The only thing that will change the momentum in EPDP is a GAC, ALAC, and SSAC. If two of those three say something vocally in support to this go back to centralized model, without their support, tomorrow

will go very badly for us, so let's use all of the contacts we have on those potential allies, and let's not forget the ISPs.

Okay, we're going to move on then. I will turn it over to Marie Pattullo. I don't think Scott McCormick has joined the call. So, Marie, you want to talk to us about Council? Unfortunately, I was unable to include highlights from your agenda for the meeting next week since it hasn't been published yet. Over to you, Marie.

MARIE PATTULLO:

Hi, Steve. Thanks. Because obviously they listen to the BC, they did publish the agenda about 30 minutes before the call. So if you guys have a look in your e-mail, you'll see it but I can talk you through it anyway.

No votes. Not surprising. Also not surprising we're lined up to have a discussion on the impact of COVID-19. What they want to look at is "how the pandemic may impact the capacity of the GNSO Council on the SGs and Cs as well as ICANN org's operations and staff." There's a follow up on that specifically that came in from Keith, as you know is the Chair of GNSO – and again I'll quote – "The talks of evolving discussion on planning and prioritization, working with the SGs and Cs to develop any input to the important conversation on the impact of COVID-19 on ICANN and [BC]."

After that, we're going to go into a discussion about the work prioritization of the GNSO. You know we've been talking about it already. Factoring in what I just said about the impact of the pandemic, "Council leadership and staff develop to draw a work plan, focus was on prioritization. However, leadership has now determined that it might be

more practical to think of this as simply as establishment of work plan without considering urgency of the work but looking at each element in a more granular fashion and identifying potential dependencies.”

We’re then going to have a discussion about the Transfer Policy Scoping Team and followed up in the end by one of our favorite subjects, Registration Directory Services Program Management. This is looking at the Phase 1 implementation of the EPDP about the WHOIS Procedure Implementation Advisory Group and the Registration Directory Service Review Team.

Those stashed away down the Any Other Business, there is a letter from the Board regarding a potential impasse concerning the implementation of Phase 1 Recommendation 7 which goes to Thick WHOIS transition. Now, I’m sorry that I couldn’t get this to you earlier. I didn’t have it. You’ll see that I did send it to you as soon as I did. Our meeting is the 16th of April, that’s next week. So [inaudible] to read it through, let me know if there are any specific touch points you’d like me to raise for the BC. Thanks, Steve. Back to you.

STEVE DELBIANCO:

Thank you, Marie. As soon as you began to speak, I went ahead and displayed your e-mail in the Zoom room. It’s on now. Marie, it’s interesting that the Council said they want to talk about coronavirus at the top, but all they're talking about is the impact on staffing and scheduling. When you get to item 7 on RDS, let me ask you at that point of the Council meeting to remind them all of the [intra] report, things that were mentioned in Mason’s post, the fact that one of our

members, Verizon, had to recover a handful of Verizon coronavirus domain names and those were focused on the coronavirus DNS abuse that's happening right now and how bad it makes ICANN and the Contracted Parties look for allowing this abuse to happen without adequate enforcement. So I believe that you could make sure that Council has a copy of the [intra] report. I'm sure they all do but it would be good to stick it on the Council e-mail list, and then see if you can bring it up when you get to item 7 on the agenda. I think it will dovetail neatly with the efforts that Mark and Margie have within the EPDP. Marie, your hand is up again. Go ahead.

MARIE PATTULLO:

Yeah, absolutely. That's a really, really good point, Steve. The [intra] report I certainly sent that. I also know much at this point the Europol [inaudible]. As you know they have at least two focusing not just on counterfeiting but also cybercrime in general. So again, I will definitely raise those. Thank you.

STEVE DELBIANCO:

Any questions for Marie, our councilor. Speaking of Council, the timeline for Council elections is something that I want to rely on Jimson and Claudia to bring up. But at this point, later this summer, we need to have an election about whether Scott McCormick would be our next councilor. I believe Scott is interested in running but is not on this call to indicate what his decision is. But all of you who are interested in serving as councilor should consider getting your candidacy together. You can talk to Marie and Scott about what the role of being a councilor is like

and consider standing for GNSO Council to represent the BC. Do I have that right, Marie? Great, thank you.

I'll go back to the Policy Calendar now and turn things over to – I'm sorry. I have relevant work of the Council includes the ATRT3 Team. Tola who is on the call represents the Commercial Stakeholders Group that includes the BC. Tola circulated an excellent summary report which I've attached, Attachment 1, to the Policy Calendar where Tola gave us all an interim report on where the ATRT3 Team is going.

He recalled there are organizational reviews that have been required since ICANN began, where every five years the Board itself hires out an independent consulting firm who will look at one of the SOs and ACs and make an assessment of its fitness for purpose, its transparency, its accountability, and make recommendations. Those have not been in any way satisfactory to members of the BC within the GNSO, the SO we live in, and apparently the survey they did indicated there was a lot of dissatisfaction with these outside consulting driven reviews. So ATRT3 is currently considering a brand new plan for how that might happen. Tola, I want to give you an opportunity to talk to your colleagues about that. Please go ahead.

TOLA SOGBESAN:

Greetings to everyone. Yes, Steve has rightly put it. The direction ATRT3 is looking at was born out of the feedback from, number one, the survey and, number two, part of the responses from – what we read from ATRT2 report and a few other documents were considered. Number one, we looked at CCWG Accountability Work Stream 2 final report. All

the recommendations that were put forward were not implemented yet by the Board. And a few of other reports as such were not implemented. Bottom line is [part of] decision was becoming too late, either due to fatigue of volunteers or there was just not enough time. So if we keep on mounting a lot of pending recommendation that are not implemented, it means [inaudible] you will not have enough time to implement the report. And why do we need to keep on adding more recommendations? Those are the considerations that led to the theme looking at ways to help volunteers not [inaudible] time are not passing on to recommendation that the Board was not going to be implemented.

STEVE DELBIANCO:

Tola, just sort of clarification at the chat that as constructed in the bylaws today, the organization reviews have no impact on volunteers at all. They're done by an outside consulting firm so the specific reviews require a lot of volunteer fatigue. But I know what is the particular interest is the change that's coming on organizational reviews.

TOLA SOGBESAN:

Yes. I put it forward as well that the recommendation we made such as [several] of our report and one of the change we look at that, the submission of SSAC. And yes, I did most of the work coming from SSAC. We needed to take into consideration what they were complaining about. That's one. On the other hand, in this other report, we have 67% of the structures, SO and AC and their sub component, find specific review somewhat ineffective or not –

STEVE DELBIANCO: No, no. That was the organizational reviews, not the specific reviews.

TOLA SOGBESAN: Yeah, for organizational reviews. Yes, that's what we got from SO and AC. Most specific review is for both, not just only that one, for both. Even for specific review, the same thing happened. For organizational, it was 67% of the structure. For specific, it was 46% of the structure.

STEVE DELBIANCO: Right. Those are survey results, but tell your colleagues in the minute remaining what is the remarkable recommendation you are about to publish.

TOLA SOGBESAN: It's from the report what we're considering is the number of years.

STEVE DELBIANCO: Tola, I was picking up on your e-mail to the BC where you guys are going to recommend the change to the ICANN bylaws so the organizational reviews are not going to become outside consultant reviews done every five years at the direction of the Board. Instead, what are you thinking they'll do?

TOLA SOGBESAN: [Inaudible].

STEVE DELBIANCO: I think you said the organizational reviews would become self-assessments, not outside consultants.

TOLA SOGBESAN: Yes.

STEVE DELBIANCO: Okay. And, Tola, that is a dramatic change and it would require a change to the ICANN bylaws and it would be a good opportunity to get your BC members colleagues' opinion about that. Since the organizational review might have been the only way the GNSO could be reformed to block the [inaudible] of the NCSG and the problem we have with the CSG representation. It's the organizational review that is supposed to be able to help us with that. We have been unable to get any help though since the consultants that ICANN has hired to do the organizational review with GNSO have shied away from any structural changes at all. So if the rest of the BC members that want to instruct Tola to oppose blowing up the organizational reviews and turning them into self-assessments, this would be a great time to speak up to give Tola your view.

TOLA SOGBESAN: Okay, I'm [inaudible] to have that. I think I've mentioned this a couple of times on our call that we are getting 95% done on that. I had requested for this on a few occasions. I know the specific issue. I have presented it on more than three or four occasions and I had always been meeting

objection. The only thing I think we can do is for it to be provision for minority statement recording. So even if this colleague feel which is right otherwise, the decision may not – don't be a lone voice for it to be recorded. But I say minority view against the recommendation.

STEVE DELBIANCO: Are you coordinating with the IPC and the ISPs to determine what the vote is from the CSG who you represent?

TOLA SOGBESAN: The unfortunate thing is that we don't have more vote from the entire GNSO.

STEVE DELBIANCO: You will. Every team has to at some point do a consensus call, and you are one of the people that get to raise your hand to object or not. So there will be opportunity and you need to figure out your position.

TOLA SOGBESAN: Okay. Beautiful. Like I said, it is more of a lone voice. What I imply is, yes, even if I make the presentation, it should be recorded – it's been recorded on one or two occasions.

STEVE DELBIANCO: Tola, excuse me one second. You're focusing on the extra Board seat for GNSO and I'm not talking about that. I'm talking about the organizational reviews, blowing them up, and taking them away from an

outside consultant and moving into self-assessments. Do you have a consensus among the IPC and the ISPs that that's a good idea? I was asking your thoughts on what you think of it.

TOLA SOGBESAN:

No feedback on that. It was Pat Kane and I, the co-chair. Pat Kane and I had a conversation about it. We each strongly felt otherwise at the initial stage, but all of a sudden everything changed. It went to the other side, believing that is the best way to go. Okay. But I have not had any input from other colleagues from the –

STEVE DELBIANCO:

Okay. It would not be unreasonable for you to rely upon the IANA Transition Work Stream 2 where the BC supported the idea that SOs and ACs and constituencies should self-assess as to whether they're meeting good practices on transparency and accountability. But that was in addition to these external reviews, not instead of [inaudible]. So it is a dramatic step to blow up the outside reviews. So let's take the queue for your BC colleagues to see what people think about it. I see Jimson first.

JIMSON OLUFUYE:

Thank you, Tola, for your efforts. And thank you, Steve, for the precise direction. I think it's a good direction for the organization to have a self-assessment that could flow through different stages that also culminate maybe in a workshop and then perhaps find out a decision. Since the structural review has lifted us, I think the idea of self-assessment

through a number of iterative steps, it would be okay. Let's see how that goes. Thank you.

STEVE DELBIANCO: Thanks, Jimson. Margie?

MARGIE MILAM: Hi. Steve raises an important point that there's no structural reviews if we only rely on self-assessments. I think that is something the BC should be concerned about. We're seeing a lot of consolidation in the industry right now. There's the announcement that GoDaddy acquired Neustar. There may be a point where it makes sense to do some sort of restructuring especially because it just seems that the interest of the Commercial Stakeholder Group tends to be ignored in the GNSO structure. So I would encourage us to really think about to not supporting only a self-assessment. I mean, clearly that's one thing that can be done in an organizational review but I don't think we should accept that it's the only thing that can be done because there should be a point in time where someone takes a look at the overall structure and see whether it's effective and whether there's a better way to create policy.

STEVE DELBIANCO: Thank you, Margie. Mark is agreeing. So, Tola, I believe that you can indicate the BC supported self-assessments in Work Stream 2, but not as if it would replace the opportunity for structural reassessments. Now, we have to agree that the organizational reviews as they've been done

in the past are wholly unsatisfactory because they refused to even look at structure. So the hybrid here would be that self-assessments are fine for any group to do and there's nothing we need to do in the bylaws to allow that, that we fear that ripping out the organizational reviews completely out of the bylaws eliminates the only mechanism by which the Board can direct the restructuring of an AC or an SO. Did you get that?

TOLA SOGBESAN: Yes, I get that.

STEVE DELBIANCO: Okay. And I believe that Mark, Margie, Jimson would agree we need to make that point and if the recommendation of ATRT3 starts to head towards ripping it out of the bylaws with nothing to replace it structurally, nothing to replace it, we would object to that. You've got to check with the IPC and the ISPs because they will help to determine how you would vote because you represent all three of us.

TOLA SOGBESAN: Okay. I'll do a quick e-mail of today's call and ask. Well, I need to say that all the – [inaudible] of Barbara, I have always sent an update but I have not received any feedback.

STEVE DELBIANCO: I would advise you as I've done many times to write directly to president of the IPC.

TOLA SOGBESAN: Of each.

STEVE DELBIANCO: Yes, there's only two of them. It's not that hard, Tola. And you should copy Barb. She's our coordinator for the CSG. But the CSG doesn't make positions on its own. All the CSG is is a label that applies to the IPC and the BC and the ISPs. You can't realistically expect Barbara to hunt down the president of each of those constituencies and get you an answer. That is your job to write directly to them. You are not supposed to just rely on Barbara to forward your e-mail. Okay?

TOLA SOGBESAN: Okay, no problem.

STEVE DELBIANCO: Thank you, Tola, for your service on this valuable team. I'd like to turn next to Arinola who on our own account is a member of the NomCom review. Arinola was good enough yesterday to send a note to the BC about where this review is heading in an area that's vital to the BC. Many of you may know that the BC has two appointees to the Nominating Committee, a small business and a large business, and that is unique. No other group has two. Arinola, what is the current thinking on this review?

ARINOLA AKINYEMI:

Thank you, Steve. Like you know, there are 27 recommendations and Recommendation 10 which talks about rebalancing the structure of the NomCom is [inaudible] to the BC because it affects our ability to send in two recommendations. Currently there are four different propositions but top on the list is maintaining the same structure of 15 voting members with 7 for the GNSO, of which 2 belong to the BC and they expect the BC to give up one of the seats to the NPOC. Quite a number of us believe that that does not resolve the problem of the additional SG and Cs that could be created within the GNSO. The belief is that the GNSO has the ability to actually expand its stakeholder groups and constituencies, and as such they're trying to ensure that we still keep the 7 seats for the GNSO but now rebalancing. Another option that came up is maintaining the same structure but then allowing the GNSO to internally rebalance itself.

A third option, the GAC has not been using up its slots on the NomCom historically so they're looking at a situation where it scratch the GAC seat and probably allocate it to another constituency. But there was an outreach sometime back where the GAC responded that they would want the seat reserved for them even though they've not been using it all the while. There was some other radical solutions that was suggested but like it was noted earlier, the external reviewers actually shy away from structural change, and in those cases they've done the same. They've not agreed to structural change in the NomCom, so that is where we are at the moment.

STEVE DELBIANCO: Arinola, thank you for that report in that you don't formally represent the BC over there. And thank you for volunteering to serve and to keeping us informed. I think your BC colleagues would unanimously believe that it would be an awful outcome for the BC to lose the small business for large business seat only to have it taken by the NCSG. I realize that may be impossible to preserve but your BC colleagues appreciate you keeping us in the loop, and we'd appreciate it if you'd articulate the business position while you're a member of that review team. Thank you very much, Arinola.

ARINOLA AKINYEMI: You're welcome. Thank you.

STEVE DELBIANCO: I wanted to turn it over to Barbara Wanner as our liaison for the Commercial Stakeholders Group. Barbara?

BARBARA WANNER: Okay. Thank you. I'm not on mute.

STEVE DELBIANCO: We hear you.

BARBARA WANNER: Okay, great. I will move very quickly because time is of the essence. I would just say that with respect to Board seat 14, the NCSG did not have alternative candidate to Matthew Shears. Similarly, the CSG did

not have an alternative to Matthew Shears who was not based in North America. So it looks like we have a consensus within the Non-Contracted Party House for his reelection to another term and we will vote on that by April 22. That was her recent e-mail from Mary Wong. We will have to move quickly in terms of determining who we want to represent us on the GNSO Council as we discussed earlier. We also have to consider who we want to succeed Keith Drazek who is term limited as chair. The CSG was encouraged to put forward a candidate but we can't get anybody to step forward at this point. Philippe Fouquart has offered to step forward as vice chair to replace Rafik since that position would rotate to us. So that's kind of where things stand, we're in limbo in terms of knowing who candidates would be to succeed Keith. I defer to Marie and Scott to suggest how we might proceed in terms of discussions within the CSG ExCom on this topic. I'll just leave it at that, Steve. Thank you.

STEVE DELBIANCO: Thanks, Barbara. Scott and Marie, anything to add on that? Marie put in the chat that she thought Philippe would be good but we still don't know whether Philippe is interested.

BARBARA WANNER: It's my understanding that he would take the vice chair seat but not –

STEVE DELBIANCO: But not chair.

BARBARA WANNER:

Yeah.

MARIE PATTULLO:

He doesn't want chair because of bandwidth. Our discussions with Council to date, last time we agreed that [inaudible] should be a current councilor, i.e. somebody that council know in that respect. Also, sort of a work in processes in internal dynamics and Philippe has said that he would step up as vice chair. I think he'd do really good, personally. I don't know if Scott wants to contradict me, though.

SCOTT MCCORMICK:

No. I'm all in favor of that.

STEVE DELBIANCO:

Great. Thank you. All right, Claudia, we'll turn it back over to you.

CLAUDIA SELLI:

Thank you very much, Steve. I don't have a lot to report. I'm sorry for joining in late. Thank you for running the call. I will turn it over to Jimson for your update on the finance and operation.

JIMSON OLUFUYE:

Okay. Thank you very much, Claudia. Firstly, you'd recall that we sent in comments on the ICANN FY21-25 Operating Plans and the report has come out. Unfortunately, I cannot send the report to you how ICANN org responded to our comment because this time around it's quite

challenging getting to see specifically how they responded. So we're still investigating and I've passed a request to them for this to be clarified.

Secondly, invoices for FY21 would be – dues would be out by May 1 as we normally do. So invoices will go out as usual. From that May 1, if you do not see please let us know we need to [inaudible] that is to give us good enough time until June 28 when we will close to FY21. In this way, prep for the BC of FY21 budget as commenced and this is to call on our members, all of us, and committees like Finance Committee, Credentials Committee will propose now for new budget line item that you want included in the budget prep. So kindly advise if you have any new budgets line.

The guideline that we discussed fortnight maybe last month, following the work of the Credentials Committee – thanks to the Credentials Committee for that – the new guideline that was provided to update criteria for membership just like improvement, it has been updated on the online application page. So thanks again to the Credentials Committee and to Chantelle [inaudible].

Yes, Steve did talk about the coming up election. Yes, we have to input that elections. The Council election it is coming up May 4 to June 5, and also the NomCom election for the [LAC] seat and the [small] seat. I think we should do our best to keep those seats. Scott is still eligible to stand for election but basically all members are eligible, members in good standing, those that pay their dues and this time around quite about 90, some of [inaudible] of current membership paid hopefully. So beginning May 4, the election will start to end by June 5. Then the successful candidate will take [SO] as seat at the end of ICANN69 AGM. That will be

taking place in Hamburg, or if coronavirus does not allow us, to be virtually.

Currently, Lawrence and Paul, they are representing those in the NomCom and they are term-limited. So we thank them for the work they've done thus far. I want to encourage members to prepare. This is an important rule. Please let us look at the details. Chantelle will be sending the details to the mailing list. Again, please let's take a look and let's prepare to participate. Thank you very much. Let me turn this back to you, Claudia.

CLAUDIA SELLI: Thank you so much, Jimson. Just to verify, if there are any other business or any other issues that members would like to bring up.

JIMSON OLUFUYE: Yes. Mason – give us some input or view concerning his article.

CLAUDIA SELLI: Sorry, Jimson. I didn't get your point. Apologies.

JIMSON OLUFUYE: Mason did a terrific article. We shall do that and give us more illumination about it.

STEVE DELBIANCO: Mason's hand is up.

CLAUDIA SELLI: Mason, please.

MASON COLE: Thanks. And thank you, Jimson. I just want to make a quick point. The article is published at CircleID.com. If you have a chance to read it, it's beating the drum again on the issue of DNS abuse and in the context of COVID-19 crisis. It makes the point that the DNS abuse problem hasn't gone away and it's certainly not going away. In fact, it's being amplified by the current pandemic.

I wanted to point out to the BC that there is a note that Goran sent out to the Contracted Parties yesterday that basically said, "Hey look, we know that the COVID-19 problem is bad in terms of registrations in the DNS. We're relying on you in your voluntary efforts and if there's anything we can do, just let us know." It was a very conciliatory outreach to the Contracted Parties and not at all constructed in terms of what we'd like to see which is much more proactivity on the part of ICANN and its staff to do something about DNS abuse.

Part of that frustration is what led to the CircleID article. I encourage you to take a read of it and I appreciate Steve's suggestion for moving some of the arguments out of that article into our comments and into our further public statements which I will plan to do. I hope that's illuminative and if anybody has any questions about the article or anything else, then I'd be happy to answer.

CLAUDIA SELLI: Thank you, Mason. That was helpful. I think there was someone else talking also before that wanted to bring up something. Was that Barbara?

BARBARA WANNER: Yes. I'm sorry. I'm in the midst of typing a message in the chat for everybody. I just wanted to let you know that planning is underway for ICANN68. They hope to learn from ICANN67 experience and they are considering what Sally Costerton has called the deconstructed approach which would entail scheduling sessions at different times during far more than four days to accommodate different time zones as per a point raised by Mark Datysgeld, they also recognized the need to develop mechanisms or protocols governing the conduct of virtual meetings so you don't have bad behaving people disrupting a virtual meeting among other issues. So I think ICANN is taking a forward looking approach, recognizing, well, that we don't know what this virus is going to do and we very well may have to do the Hamburg meeting virtually as well. Just a very quick update for all. Thank you.

CLAUDIA SELLI: Thank you, Barbara. That's very helpful. I'm mindful of the time. I don't know if there are other points, questions to Mason or Barbara. No, I don't see any hands up. So with that, we can close the meeting and then speak in two weeks' time. Thank you very much, everyone, for participating. Please stay safe. Thank you, everybody.

[END OF TRANSCRIPTION]