
CHANTELLE DOERKSEN: Good morning, good afternoon, and good evening. Welcome to the BC Members call on Wednesday, May 6th, 2020. In the interest of time, attendance will be taken via Zoom. I would like to remind all participants to please state their name before speaking for the transcript, and to keep your phones and microphones on mute when not speaking to avoid background noise. With this, I'd like to turn it over to our vice chair for policy coordination, Steve. Steve, please go ahead.

STEVE DELBIANCO: Thank you, Chantelle. I'll share the policy calendar, we'll get right into it. I sent this around yesterday, so BC members have had it. Marie noted one error I had in it, and I'll cover that when we get to it.

First thing I'll note is we've had two comments filed since our last BC call. Two days ago, May the 4th, we responded to the phase one initial PDP report from a group that's been meeting for years on looking at rights protection mechanisms, RPMs, in all gTLDs. This was a major effort, well over 150-page long set of questions that we had to answer, so we owe a big thank you to the drafters, Andy Abrams, Jay Chapman, Mason, Zak, Marie, and David Snead. For instance, last week we had a two-and-a-half-hour call, it was to try to work out little disagreements that remained and made a bunch of edits over the weekend and got that in on Monday. Thanks again to the group that did that.

I would also note that yesterday the BC responded to an online survey that ICANN put out on the addendum to the expedited PDP on WHOIS, and this is for the Phase Two report that came out. Now, led my Mark

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and Margie, we have been working so hard on that EPDP Phase Two to try to design an automated system to do disclosures to accredited, qualified, and legitimate WHOIS requests and that's not going very well. Law enforcement seems to be getting an automated disclosure, but we're working so hard to enable the companies in the BC to be able to get automated disclosure to protect their consumers and protect their companies from fraud, abuse, and denial of service attacks and other security problems.

I want to be very grateful to Mason Cole, who worked with Alex Deacon, who created our draft comment, and then Claudia Martinuzzi gave us a couple of edits yesterday. I especially want to refer you in that addendum to the first two-and-a-half pages, where Mason and Alex came up with overarching concerns. And, as Barbara Wanner had noted in an email to all of you, I think Mason has really given a great story about why we are so disappointed at the entire EPDP and where we're ending up at this point.

Keep in mind that it's not as if we have a lot of control over this addendum, and some of the writing that we did is writing that will be useful in a minority report, should it be necessary, on the full Phase Two report. Because, again, the Phase Two had an initial report we commented on a few weeks ago, the addendum came out a little later. After all the public comments are digested, the EPDP will produce a final Phase Two report. And if we aren't in a lot better shape than we are right now, I think we'll be using Mason's draft overarching concerns to justify our minority report.

That alone won't make any noise unless we attract allies to make the same minority objections. And those allies would include the IPC, perhaps the ISP, and I certainly hope the ALAC, the GAC, and the SSAC. Thanks again, Mason and Alex.

All right, scrolling down to the open public comments, we only have two that are open right now. And the great news is we already have volunteers lined up. The first is a regional plan for ICANN's Africa region, that closes the 27th of May and Jimson, Roger Baach, Arinola, thank you for volunteering to draft that comment. If you wish, I can send you each a sort of a kickoff, a start off, that refers back to the comment we filed in 2017 on this. I'll do that.

The second is another comment on ICANN's strategic plan for the Public Technical Identifiers. That's the subsidiary of ICANN that's taken over the IANA functions. These comments close the 1st of June, and we commented a year ago, sorry last November, on the PTI budget, now we want to move into the strategic plan. So far, we have Jimson, Tim, and Arinola who've offered it, and I'm very grateful for that. On the 14th of May, there's a webinar on the PTI strat plan that you'll want to be sure to attend. Go ahead Jimson.

JIMSON OLUFUYE: Yes, just to let you know, that a draft has been sent within the group for the two comments.

STEVE DELBIANCO: You've already jumped on it? Fantastic, Jimson. Thank you.

All right, moving on. I did want to note that a brand-new public comment was posted yesterday and it's fascinating. It's ICANN and the ccNSO, country code group, are looking to initiate a PDP of their own to come up with a process where they can retire old country code TLDs, old ccTLDs. I've struggled to find an example that would catch your attention. So, I found one, .SU for Soviet Union. That is still alive and still actually accepting registrations, I am told. My guess this is not a significant source of fraud and abuse for BC members, but who knows. Do any BC members have insights to old ccTLDs that are still being used?

Yeah, SU is the only example I could come up with. It actually said that .UK is not part of the ISO 3166 table, but United Kingdom uses it so they're not about to flush it away. So, do we have any BC members that feel that the BC should comment on a process to retire old ccTLDs? Again, the only concern I can think of is if a business is using it and doesn't want it retired or if a business is worried about fraud and abuse that occurs by registrants using an old obsolete ccTLD.

JIMSON OLUFUYE: Yeah, Steve?

STEVE DELBIANCO: Go ahead, Jimson.

JIMSON OLUFUYE: I think we should be interested in it, actually, because, in summation, that would a weak point for some form of maybe cybercrime or [what

have you] and abuse, generally. So, we need to be interested in it and we should be able to push for it to be retired, actually, so as not to just be picked out for nefarious activity by unscrupulous people.

STEVE DELBIANCO:

Thank you, Jimson. I agree with those sentiments. This PDP is to design a process and that process would then be used on things like .SU. So, we're not going to have the opportunity to suggest which ccTLDs should be retired, but rather comment on the process. And I'm pretty sure the BC is not likely to put a person as a volunteer on the working group, but if the BC members are on board, we could issue a very short comment supporting the idea that they come up with a process to do this. Any objections to that?

Great. Okay, so the next section of policy calendar is where I typically lay out a summary of where we are in the EPDP, this expedited PDP, to come up with modified WHOIS in the face of GDPR. And we're led on that effort by Mark Svancárek and Margie Milam, who spend many hours each and every week preparing for and then conducting these marathon calls at the EPDP. The next one is tomorrow, for instance, and it lasts for two hours. We had a one-hour prep call last night and Margie was up late doing our homework in advance of the Thursday call. So, Mark and Margie, at this point in the call, I'd love to turn it over to you to update your colleagues on where we are.

MARGIE MILAM:

Hi, can you hear me okay?

STEVE DELBIANCO: Perfectly, go ahead.

MARGIE MILAM: Okay, great. Yeah, we spent a lot of time over the last week going over legal memos that we received from Bird & Bird that relate to what cases can be automated. But, what we're finding is that Bird & Bird did not give a lot of clarity on the cases that could be automated, and this is where we think that we really need to push to make this system more effective. But, the one area where I think they did support automation is with respect to records that relate to legal persons instead of natural persons, and as we all know, that type of record is not covered by GDPR.

So, what we're trying to do is in the next few weeks as we get ready to push for our final report, we want to increase the number of cases that can be automated. And that's where we, especially Mark, has been putting a lot of attention on specifically that. But, what we're getting from our colleagues is essentially a lot of pushback basically saying "Oh, we're running out of time, so, gosh, this is really interesting, but we don't have time to push on these important issues." And we're seeing that with legal and natural person, we saw it with accuracy, there's a bunch of other issues like that are very important to the BC that are getting basically ignored and using the timeline as the reason for not actually addressing it.

So, I don't have a lot of optimism that the next few weeks are going to lead to some significant changes in the policy recommendation. We'll certainly push hard and one of the areas I think will help us is the great

comments that were submitted during the public comment period for the addendum that Steve just talked about. As you may not realize, we actually in the statement supported the statement by the GAC where the GAC raised a lot of the issues that are obviously important to us like legal, natural person, accuracy, more automation and centralization. And so, that statement was supported by the BC, the IPC, the GAC, and the ALAC. As long as we are able to push issues collectively with these different stakeholders and advisory groups, the better we have to at least try to make some final changes before we publish our final report.

So, I'm not very optimistic, I'm really grateful for the comments that were submitted, but we'll just keep fighting the fight until we get to the final report. And that's all I've got.

STEVE DELBIANCO:

Margie and Mark, when it comes time for us to analyze the public comments that were submitted, you know that they used a survey form for the addendum. So, we had to indicate yes, no, support with edits, and then the entirety of the overview that Mason and Alex wrote had to be jammed into a final throwaway question at the end of the survey and it's probably not going to get very much attention from staff as they compile the answers in those documents they use to analyze. So, you'll want to keep handy a link to the BC comments page since right on that comments page I've got a link to the actual comment as drafted and it'll be much easier to pull our arguments from there.

Under ICANN's new method of submitting comments in a survey form, one can't do any formatting. There are no italics, no bold, no

indentation, and no footnotes. So, it's really much different than what the BC is used to with carefully constructed arguments, formatting, and citations. We're not going to be able to have that survive when staff slices and dices the comments and then summarizes them for purposes of the teams. So, we'll have to maintain access to the comments as filed as well as the bits and pieces that make their way into the process.

Mark, did you have anything you wanted to add for your colleagues here?

MARK SVANCAREK:

I don't have much to add. I think what I would have said is all represented in the public comments that we and the GAC submitted this week.

As to Margie's comments that people are trying to claim that we've run out of time, you will consistently notice that the topics that have quote-on-quote "run out of time" are all topics that would require contracted parties to do some process and engineering work. So, distinguishing legal and natural persons would require them to actually distinguish legal and natural persons by some sort of process, either at the data intake phase or subsequently during the re-subscription phase or the annual accuracy phase, things like that. Things that would require them to make investments initial and ongoing, and then might be subject to scrutiny should they implement them wrong and make mistakes.

And so, predictably, these are the sort of things that we are not getting done right now, which are being called either out-of-scope or we're out of time. But, you'll see all of those comments within our addendum

comments and those of the GAC. So, if you haven't contributed to those, if you haven't had the chance to read those, I would recommend that you do read those and you'll get a good sense of where we're at right now. I agree with Margie on not a lot of confidence at this time. Thank you.

STEVE DELBIANCO:

Mark and Margie, I'll add one final note. The survey on the addendum actually was asking people to suggest changes to the wording in the addendum. That isn't exactly the way Mason and Alex approached it, they wrote a typical BC comment. But when I put that into the survey, I suggested that they needed to change the addendum words. Let me give an example: This legal, natural person. We need to change the words so that it simply doesn't say we ran out of time and we're unable to work something out. We need the words to reflect the fact that the contract parties and the non-commercial stakeholders group voted no, that they knew that we had the legal ability to distinguish legal and natural persons, but said they do not want to disclose. And I think that sharpens the point, it'll make it seem as if the EPDP didn't run out of time, it just lacked the will to do what GDPR would've permitted us to do in the protection of registrants.

So, fighting for those kind of words, we've already fought and lost on that when the addendum was initially drafted, we'll just keep going after it. And it helps to isolate a position that will not be supported from, as Margie says in the chat, ALAC, GAC, and SSAC, and if they support us, and the IPC and ISPs, we have a really good chance of

changing the way this EPDP concludes. Thanks again Mark and Margie for all the work you're doing there, and Alex as well.

Let me turn now to our councilors, Marie and Scott, and your last council meeting was the 16th of April. And while we did cover it two weeks ago, I put in more regarding thick WHOIS and the thick WHOIS transition, including the very latest letter the council has drafted, and Marie, you didn't help draft that letter, I had that wrong. You're on the team that will help to amend that draft, so I look forward to you and Scott educating us on all of that. Marie?

MARIE PATTULLO: Thanks, Steve. You can hear me okay, I hope?

STEVE DELBIANCO: Yes.

MARIE PATTULLO: Thanks very much. Before we get to the thick WHOIS, one brief thing. You will remember that council is currently looking at our prioritization of what is on our table. And they asked us to get them back to them by last Friday, which we did, going through the list of things they sent us and pointing out the things that we thought were important. You all know about this, I did circulate it to you, so thank you so much to all of you who commented.

But, of course, following on from what Margie said, we stressed we must have the scoping team for legal against natural and data accuracy

as soon as possible because that they have chosen to take [them out of the] EPDP.

We're a bit worried—I'll rephrase that, we're extremely worried that by this, they're punting it into the long grass, and we really need to keep our eyes on this happening as soon as it can, if not sooner.

And, of course, we mention accuracy in the other context where we could, for example, not mention the annual requirement for WHOIS data reminders. We don't see why we couldn't have something about data accuracy in there as well. Okay, I might be being hopeful, but I like being hopeful.

Now, back to what you have on screen, this is a historical consensus policy. That means it's been agreed by the community, it means it's gone all the way up to and included being agreed by the Board, it's thick WHOIS, and then it sat there collecting dust and not doing very much at all theoretically because of EPDP. Now, even the Board has noticed this and has come to Council asking us what we think we should do about it. It's worth point out here that the draft letter at the minute a few of us are working on was originally drafted by council leadership. Now, council leadership is Keith, and Keith works for Verisign. And me, realizes the thick WHOIS issue there, which is why we do need to be quite careful with this letter.

Now, under your approval, Steve, I'd like to turn this part over to Alex because he's really the guru here and I know he's on call.

ALEX DEACON:

Yeah, thanks, Marie. I'll avoid recounting the history, unless you'd like me to do so. I think the four points in the policy calendar that Steve summarized is a good summary of where things are at the moment. I think in terms of this letter and the BC's and IPC's ability to kind of change it ... We need to ask ourselves what is the BC's goal here? What do we want? It's my opinion that the groundwork toward killing thick WHOIS has been being laid for six months, if not a year. And so, these steps that Keith outlined in the draft letter that we're discussing kind of show that path where compliance of the thick WHOIS transition, which was by the way well underway, I don't think it was dusty at all. It was well underway, but then paused halfway through because of GDPR.

Again, the question is what do we hope to achieve? And once we've decided that, I think we need to put a strategy together to ensure that we know exactly the best path to achieve that. Is it to push back on a PDP being formed? Which would inevitably, in my opinion, formally kill thick WHOIS. Do we want to try to not get to that point? Do we want to try to push back on the assertion in the letter that a PDP is actually needed here? So, I guess I have more questions than answers, but I think it's important that we're clear on what the ultimate goal is from a BC position and point of view.

I know historically in the past, the BC has been staunch proponents of thick WHOIS, we could leverage that. And I assume that moving forward we still want the thick WHOIS policy to be unpaused and complied with, but I think we should have that discussion first before we determine exactly how Marie and Scott and others will update this letter or propose updates to this letter that will be sent back to the board.

STEVE DELBIANCO: Alex, would you summarize the conflict between Rec Seven and thick WHOIS policy? How would you describe that to your colleagues?

ALEX DEACON: Yeah, so in EPDP Phase Two Rec Seven what was agreed to is that the registries now have the option to require thick WHOIS data be sent from the registrars to the registry. Just to be clear, the thick WHOIS data is essentially the registrant data. There's a set of data which is public and required for the operation of the DNS that's always to be sent to the registry. But there's the thick portion of that data, mostly registrant and tech contact data, which is now based on the Phase Two policy optional to be sent.

And so, the conflict within the IRT is how does ICANN Org—Dennis specifically? Does he listen to the Board, which is essentially saying, and they said it strongly, "We believe that until there's been an explicit statement or a PDP from the community that says thick WHOIS is dead, we believe it is not dead."

So, Dennis is in this kind of between a rock and a hard place. Does he write the implementation policy based on the kind of bottom-up consensus process that happened in Phase Two, especially as it regards Rec Seven? Or does he follow the Board's lead that says thick WHOIS is still relevant and they expect it to be complied with? Which, again, is another consensus policy, as Marie mentioned up top.

So, that's the conflict here. This is why Recommendation 27 of Phase Two is a piece of this puzzle. That recommendation basically said, "ICANN Org should determine the impact of the Phase One policy on existing consensus policies, including thick WHOIS." And if there is an impact, it would be up to the GNSO to create a PDP to resolve that.

So, I hope that was clear. I felt like I was rambling a bit, but that's kind of the situation that we're in.

STEVE DELBIANCO:

Thanks, Alex. Any questions from BC members? Margie, you're first, and then Susan.

MARGIE MILAM:

Hi, I think the BC should support the Board's lead on this. I think that the position that the contracted parties are taking and that staff is taking is contrary to what the Phase One report intended. The Phase One report actually ... It's being now interpreted as giving the contracted parties an option to go thick, that's not actually what the recommendation was intended to say. It was intended to say that if there was no legal basis for having the data, the registry could elect not to have the data. So, it's a little more nuanced than simply saying they don't want it, so they can't have it.

And so, I think the better thing for us to do is support the Board's position as much as possible and that until there is another PDP that changes the thick WHOIS, the thick WHOIS should continue to be implemented. So, I think that's the position that would be best for us.

And if there is going to be a PDP, I would probably encourage it to be done later because the principle that's normally adopted is once there's a consensus policy, that becomes the policy until it's changed, and we all know how long a PDP takes. So, that would mean that there should be implementation of the thick WHOIS policy at this time rather than waiting.

STEVE DELBIANCO: Thanks, Margie. Susan.

SUSAN KAWAGUCHI: Hi, can you hear me?

STEVE DELBIANCO: We do, go ahead.

SUSAN KAWAGUCHI: Okay, thanks. Yeah, I agree with Margie and I was on that call. The contracted parties were quite dismayed, to put it politely. But, I think what we also need to think about here is if we don't support the Board and allow thick WHOIS sort of to be pushed to the side unilaterally, a consensus policy that took a long time to get ignored, then PPSAI is going to follow suit. And we're already seeing confusion and claims by registrars that they'll just move everything to proxies and some have done that already and there is no mechanism that's required at this point that's actually implemented to reveal that information. Now,

some proxy companies will do it, but the policy is not in effect yet that we worked so hard on.

So, I don't think we should just look at this as a thick WHOIS issue, this is every policy that we've worked very hard for in the last 10 years could be in jeopardy if we don't really push on this.

STEVE DELBIANCO:

Thanks, Susan. And before we turn to Alex, so far this discussion is all about process and not about substance. So, Alex, address if you can, what is the substantive effect that if the registries have the thick data, when in fact they redact it when they publish it, so what is the point about a registry having thick data if we can't see it? Alex? Not hearing you, Alex. Your hand is up, were you going to speak on this?

ALEX DEACON:

Yeah, sorry Steve. Yeah, there's history here and I think the BC and IPC and others have historically supported thick WHOIS because of the things that it brings in terms of security and stability and the like. I don't have those at the top of my head.

But in terms of a strategy, it sounds like, and I agree with Margie and Susan, that what we want to do is given the Rec 27 process that is now in the hands of the GNSO, we need to put a plan together to argue effectively that a new PDP is not needed that will essentially kill thick WHOIS. Perhaps argue that there isn't a conflict here, and that even though registries have the option to require their registrars to send the data, that in fact, by other contracts, they can require it. This is

something that Becky Burr from the Board mentioned on the call with us, that she believes that it would be GDPR compliant for all registries, including Verisign, to add obligations in their contract to require this information.

So, if that's the case, then we need to put a strategy together to do that, to attempt to block any future PDPs, as I mentioned, will pretty much kill the thick WHOIS. [Inaudible].

STEVE DELBIANCO: Right. So, Alex. Just to clarify, if the registries had the data, but it's redacted from public WHOIS, what is the practical effect for all of us? Other than the data being there.

ALEX DEACON: Yeah, I'd have to look up the previous comment from the BC and the IPC that kind of extoll the virtues of thick WHOIS. I don't have that off the top of my head.

STEVE DELBIANCO: Okay, not a problem. Yeah, and Margie is saying we'd make requests, as you know, through the SSAD or direct requests to the registry, which might be more productive sometimes than going to the underlying registrars. I get that. And I did indicate in my comment that RDAP, which was recommended by the technical study group, would suggest that the data should come from the registrars who have the latest data and they're the authoritative data on the registrant because they're the ones with the registrar relation. And if RDAP were implemented the way

it was supposed to be implemented after Phase One, well then, the data we'd get from the registrar wouldn't actually care about thick, but even that has been a failed implementation.

And so, it leaves us at a point of wanting to stand on process, stand on precedent, back the Board, and maybe really dig into this question about whether Rec Seven is in fact the conflict or not. Okay, thank you, Alex.

Marie, I want to put it back to you and Scott for the other items with respect to Council, okay?

MARIE PATTULO:

Sure, and thanks so much to Alex for all of his work on the item before. Okay, there are two things. The first you already know about, which is there is the standing panel for ICANN's independent review processes and they have repeatedly called for candidates and they've done it again in the last ... We get an update every couple of weeks with headlines. And this is really in case anybody believes that they have the bandwidth, the knowledge, the ability, the time, can they please consider putting themselves forward for this?

The other one came out of our 3.0 work, which is we talk a lot in ICANN about consensus, but what does consensus mean? So, there is a lovely 100-page document, which I'm sure you're all dying to read, that's now been published called "Consensus Playbook." It is supposed to help us, it's supposed to help everybody, so all parts of the community. At the moment, there's no structure for comments and taking that back up the tree. With that said, if you do see issues, if you do think we need to be

looking at it again, then of course let Scott know, let me know, and we will take that back to Council leadership.

That's it for me, so I'll turn it over to Scott. Thanks.

SCOTT MCCORMICK: I have nothing else to add, great job. Thanks, Marie.

STEVE DELBIANCO: Thanks Scott, Marie. Any questions for our councilors? Susan, I know your hand is up, I couldn't tell if that was a new or an old hand. Not hearing from Susan, we'll go ahead and move on.

There are a couple of other elements of GNSO and the Council. There's the review of Security, Stability, and Resiliency. Denise Michel and Scott, both on the call today, are on that team and your report was issued on the 24th of January, we commented on it. Scott and Denise, any update on where you are on SSR2?

DENISE MICHEL: Yes, I'll go first and turn it over to Scott. The draft report was a draft report that was issued in January, comments were collected and the team is still working through all of the comments, updating the recommendations as appropriate, and we have a revised work plan that hopefully will yield a final report in the next month, month-and-a-half.

STEVE DELBIANCO:

Great. Thank you, Denise and Scott for working on that. The next one up is the Accountability and Transparency Review Team, called the ATRT, and it's the third one, so we call it the ATRT3. This is the second of these reviews that are required by the IANA transition agreement when we brought them into the bylaws. Tola Sogbesan represents the whole commercial stakeholders group on this review team and we have discussed this on each of the last several BC calls. ATRT3 have put out a draft report offering sort of options for how to do the specific reviews, such as this, the ATRT is a specific review, the SSR is a specific review.

And they asked us for options on what to do on the organization reviews. Organization reviews are required every five years. They've been in the ICANN bylaws for 15 years and ICANN's Board goes out and hires an independent consultant who does an assessment about the effectiveness and purpose of each of the ACs and SOs. We haven't found them to be very helpful, and yet they might be the only way that we could provoke changes to the structure of GNSO or changes to the structure of ICANN.

Tola, we're going to turn to you next to update us on where we are right now in the ATRT3, and, Tola, please focus just on the specific reviews and the organization reviews in the degree to which the BC's comments are reflected. Tola?

ADETOLA SOGBESAN:

Okay, thank you, Steve. We just finished off a call and the position is as much as you just presented. However, there was a particular issue that we're trying to [battle] with regards to the specific reviews. There was a comment from CSG, which I presented, to the fact that what was

presented for public comment in January was a bit different from what we currently have. And that took us about 30 minutes for the [inaudible] deliberate upon because almost time to hand over the document to the board. And one of the challenges we have now is we'd have to present this document back to the community or to submit like that and submit a minority report indicating that we don't have enough time.

In the course of discussing that, Leon, who represents the board on the team, did infer two important issues. Number one, yes, the fact that we do not have interface with the community at Cancún implied that we did not have enough feedback from SOs and ACs. So, that was a challenge.

And the second point is if there's issues, as was raised by the CSG, it will have an impact on the Board considering the recommendations of ATRT3. And to that extent, we're expected to find a common ground so that whatever we have, there will be no challenges from SOs and ACs. In the course of doing that, attention was drawn to bylaw section 4.6A which states that the review team must consider the public comments received in response to any posted draft report and shall amend the report as the new review team deems appropriate."

Now, that is where we are caught in between. Do we need to respond to every member of the community if their comment is different from what we currently have? Or, we stick to what the bylaw stipulated stating that the review team shall amend appropriately as they deem it fit? Now, if we hold on to that bylaw, therefore implies that the team may not necessarily need public comment. And so, whatever we have

done would be deemed to be appropriate. That was the technical point we had.

But what is causing the issue with specific review has to do with the option two, which the BC had supported and IPC, in the comment we submitted, we submitted option two, but option two we currently have has been modified. And so, that was the position we're at currently, but the conclusion was because we extended our call by about 30 minutes, and it was concluded that we continue discussion on our next call on Friday. So, that is where we are currently, Steve. Thank you.

STEVE DELBIANCO:

Yeah, thanks Tola. This is the first review team that ICANN's done, it's not the first time that a review team had to consider public comments that are usually diametrically opposed to each other and the review team then evolves its thinking, but doesn't necessarily have to address each and every comment that came in. What's most important is an assessment of what kind of consensus the review team is going to be able to achieve? Considering there are a couple of GNSO members. I guess you, Pat Kane, and Osvaldo are the three members from the GNSO on there, as well as what the ALAC, the GAC, and the others think.

We have Denise with a hand up, and then Tola, you can handle Denise's question. Go ahead, Denise.

ADETOLA SOGBESAN:

Okay, thank you.

DENISE MICHEL:

Thanks. So, we have a member on the SSR2 team from SSAC who also serves on the ATRT3 and informed us that the ATRT3 is moving to eliminate all of the current reviews, with the exception of their own, and has not addressed the accountability issue of ICANN having a long and extensive history of ignoring, not implementing I should say, the recommendations. So, that's I think quite concerning for members of the BC and IPC that recommended that the process be improved and streamlined and that ICANN Org addressed the significant shortfall of not implementing recommendations but claiming that the recommendations were implemented.

The SSAC rep said that they were crafting a ... There was such a great concern about the direction that the ATRT3 chairs were taking, the review that a dissenting comment is being developed. So, it would be good to get your thoughts on both the substance and the direction that the ATRT3 is taking. I think as many of us are particularly concerned about the elimination of these reviews, which, as Steve can talk at length about, were really the only real accountability mechanism that was left when ICANN transitioned from the Department of Commerce to its current state. So, there are much larger implications for eliminating these community reviews. Thanks.

STEVE DELBIANCO:

Tola, why don't you give Denise an answer and then we'll move on to this [issue].

ADETOLA SOGBESAN:

Okay. Thank you. Quickly, first of all let me say in the policy calendar Steve had indicated the link to the report [we currently have.] So, what I'm going to do ... I'm aware of the rep. When we had the call today, let me say two things. Number one, we are taking a vote for consensus on this particular issue today and out of 12 members we've got 10 in support and myself and Osvaldo were against.

Unfortunately, the rep you're talking about couldn't make the call because he had [said in mails] stating that it's 4 a.m., he will not be able to make it. But it is noted that she's going to submit a minority report on that.

But, for the records, let me read out—the word is not eliminate, the word is suspend, actually. It says suspend any further RDS and SSR reviews until the next ATRT. Okay? So, that was a contentious issue and because we did not have full consensus today on the vote, it implies that we are likely to discuss the issue again on Friday.

And, the last resort is that while she's making a minority report, if the BC or the CSG consider the same thing, we have indicated that we're likely to submit a minority report as well.

So, that was the position. I don't know if [inaudible] is okay with that [submission, but.]

STEVE DELBIANCO:

Tola, as you said, I included a link to the report and timing is critical. And I know we've given you a letter from CSG about taking more time to collect public comment, but all BC members are free to click on the link.

You referred us to chapter eight for the organization holistic review, but another chapter deals with these specific reviews. So, better to read the report and specifically understand what they're recommending and not rely entirely on what the SSAC may have mentioned, it's not exactly as described, Denise. So, let's take a look at that, and get our feedback to Tola as soon as we can.

Barbara, I'm going to turn it over to you for CSG, channel three. Go ahead, Barbara.

BARBARA WANNER:

Okay, thank you very much, Steve. I'd just like to, in the interest of time here, direct everyone's attention to ... You can scroll down and review the schedule as it's shaping up for our meetings. We're going to have closed meetings before the actual week of ICANN, particularly for CSG and the BC. And then you see the cross-community sessions and the planned topics.

But where I really need your feedback are on our proposed topics for the CSG's closed meeting with the board members that would be Becky, Matthew, and then we've also extended invitations to Audrey because of this ATRT concern and Sarah Deutsch, and then also I think Leon, again, for the ATRT issues.

But, in particular, if you could take a look at addressing follow-up questions to the Board from ICANN 67, those were included in the attachment that Steve included. The marks to Botterman—Shears letter, it's a PDF specifically focusing on spec 11 and section 3.1A, DNS

abuse, involuntary frameworks, and the need for timely action on PPSI implementation.

If you feel it would be worthwhile to raise EPDP Two addendum issues, I can propose that also. We'll be considering this at CSG Ex-Com meeting early next week. So, if you could just provide any comments to me via email as to your thoughts about how we can best use our time with those board members, I'd be grateful.

And I'll just wrap it up there and take any questions, Steve. Thanks.

STEVE DELBIANCO:

Thank you, Barbara. I note that channel three of our policy calendar included other items. The councilor elections, the intersessional board seat 14, and you passed along the current block schedule for ICANN 68 and it's the third attachment to the policy calendar email.

Okay. Claudia, I wanted to turn it back over to you and Jimson, I know we have some election issues to discuss. Thank you.

CLAUDIA SELLI:

Thank you, Steve. I would leave the floor directly to Jimson as I don't have anything else to add.

JIMSON OLUFUYE:

Okay, thank you very much and greetings everybody, I hope you continue to wear your mask and keep well and keep safe. With regards to finance, we've sent invoices to everyone, so I believe you have

received it. Invoices went out May 1st. We are thought it would be delayed, but we were able to move ahead with it. So, and I want to use the opportunity to thank our members that have already paid. But, [these are] traditional members, always be very early. And you'll have noticed that the invoice gives us the 90 days to process the payment. Again, thank you to everyone that will retain their membership.

And BC [F1] budget proposal, it will be ready by the next BC call. Currently, we are working on the finance committee, at the finance community level.

And also, we had a seminar with ICANN last week with respect to the FY21 ICANN budget and the summaries that has been revised downwards due to the impact of COVID-19 funding. So, revenue a little bit down, to around \$11 million as funding will also be down by 5%, funding from the registry, registrar, from the traditional income sources. So, [Chantelle], you could perhaps send the link of the recording to the list. There are some members that may want to listen in and can see the full presentation by Org.

And now, on operations, we're in election mode and the election for Council and NomCom small and large seats is ongoing. Commence May 4th and it remain open for nomination until May 18th. So [inaudible] nominations just for us to note that by May 26th, we will expect candidate statements to be submitted and then the following day, May 27th, we will have our call where we will be able to chat with the contestants.

So, once again, councilors position, one Council seat, which is being currently held by Scott, and then the small and large seat. We want to use opportunity to thank representatives there and outgoing representative, that is Lawrence Olawale-Robert for small business seat, and Paul Mitchell of Microsoft representing all the large business seats. So, we really want to thank them for their excellent representation. So, these are the positions open.

Then, lastly, the BC newsletter, we are already working on it. In fact, this will be the tenth anniversary of the BC newsletter, it started in 2010. Thanks to the efforts of some of our members then, including [Chris Chaplow, Paul Mitchell,] and the designer, and of course resigned member [Marylin.] So, the tenth anniversary's this June. So, it's going to be a special publication, therefore I want to encourage members that have articles, especially in the area of concern, to really do something. Send us your drafts, we'll publish it.

So, on this note, I want to thank you and I will trade back to you, Claudia, if there is no questions.

CLAUDIA SELLI:

Thank you very much, Jimson, and, Steve, you said you also wanted to cover some other elections issues or what Jimson covered is what you wanted to discuss?

STEVE DELBIANCO:

Yeah, Jimson covered it. Thank you.

CLAUDIA SELLI:

Okay, perfect. Are there any other questions from members or any other business? I don't see anything. So, with that, we can close the call and adjourn it until next meeting on the 20th of May. Thank you everybody and stay safe.

[END OF TRANSCRIPTION]