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CHANTELLE DOERKSEN: Good morning, good afternoon, and good evening. Welcome to the BC Membership call on Wednesday, May 20<sup>th</sup>, 2020. In the interest of time, attendance will be taken via the Zoom Room. I would like to remind all participants to please state your name before speaking for the transcript and to keep your phones and microphones on mute when not speaking to avoid background noise. With this, I'd like to turn it over to the BC Chair. Claudia Selli can begin. Claudia, please go ahead.

CLAUDIA SELLI: Thank you very much, Chantelle, and thank you very much everybody for attending the Business Constituency call today. I hope everyone is safe and sound. So, with that, I know that we have two guests, Liam and Greg, that are joining us for a brief discussion. So, maybe, Steve, I don't know if you want to say anything, but otherwise I would give the floor to Liam and Greg for a short presentation on their [inaudible].

STEVE DELBIANCO: No, I need to set it up for us, Claudia, okay, please?

CLAUDIA SELLI: Sure.

STEVE DELBIANCO: And I need to take control of the screen since I'll be managing that.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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CLAUDIA SELLI: Of course. Please, Steve, go ahead.

STEVE DELBIANCO: Great. Hey, everyone. So, yesterday's policy calendar set out the ordinary items that we want to cover, but I wanted to specifically highlight, in the section where we always talk about modifying WHOIS policies to comply with the GDPR, this whole ePDP fiasco that we're dealing with right now.

And that in the bottom of that section, I indicated to all of you something you may have missed yesterday, but your executive committee agreed to invite Greg Aaron and Lyman Chapin. They both work for Interisle Consulting. And we wanted them to present and discuss a proposal they've come up with for another incremental study on WHOIS data and they'll be explaining it in three quick slides.

And the idea is to provide the data, the evidence we would need, to drive forward the debate for what we want to do to show that DNS abuse is occurring, partly because we are unable to understand the identity of actual registrants, both legal and natural persons.

To be totally transparent, Interisle is a consulting firm and needs to get paid for their work and they are seeking funding for this, not just ideas on what to make the paper more effective for our objectives, but would also eventually need to get funding. And so, I thought it would allocate ten minutes of the call for them to quickly present and for you to ask questions.

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The greater context of this is that we're getting our ass kicked in the EPDP and we need to find new ammunition to create alliances to generate leverage or we aren't going to be able to salvage anything in the form of automated disclosures of registrant data to protect our customers and to protect our businesses. So, with that said, I'm now going to share the three PowerPoint screens and turn it over to Lyman and Greg. Many of you are familiar with the work that these guys did because we shared their previous study on a BC call just two weeks ago. Greg and Lyman, the floor is yours.

LYMAN CHAPIN:

Thank you, Steve. What we'd like to do is present a proposal for a study that essentially recognizes that in the two years, almost exactly two years since the Temp Spec was adopted, all sorts of questions about the way in which various parties, registrars, registries, and others, have or have not complied with it, have arisen and been discussed, but have not been answered. And I guess you could say we got tired of that. We decided that the best way to counter that lack of information was to actually go out and collect the data. In particular, to collect reliable statistics about how much contact data is available and document the impact of the temporary specification.

What we've had over the past two years is primarily anecdotal reports that a variety of different methods have been used to block access to data or otherwise make it very difficult for legitimate actors to get access to information about registrants. And this study, for which we're seeking funding, as Steve said, is an effort to provide the fundamental corpus of data that would be necessary to actually make policy

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proposals or defend policy proposals. So, as we go to the second slide, I'll hand off to Greg, who is the principal on this project, and thank you all for taking the time to listen to what we had to say. Thanks.

GREG AARON:

Thank you, Lyman. Fortunately, there have been some studies like this in the past. They occurred in 2013, which is a long time ago, but the good news is they provide a snapshot of what the world was like back then and they provide some methodologies for studying these questions. And those methodologies were reviewed and approved by ICANN, so we know how to do these things and we can jump right in.

So, we're going to look at, in this proposal, some basic questions that have been coming up also in the ePDP, like what percentage of registrants actually have some kind of data on record that you can actually look at: is a registrant identified? How many domains are under privacy proxy protection? And which services? There are dozens. How many of the domains are now redacted using the temporary specification, which lets registrars redact whatever contact records they like?

And some are using a new way of doing that, and some registrars are using their proxy services to accomplish that. So, we want to see how many domains are affected and how it's being done. One of the things this'll tell us is how many domains have redacted data but are or are not subject to GDPR. Are the registrants in Europe or are they at a European registrar?

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We'll take a look at how many registrants are natural versus legal persons. This question is important because GDPR does not apply to legal persons, and this has been an issue in the EPDP that has not actually been discussed by the EPDP. It was deferred from Phase 1 to Phase 2 and it still isn't done, and now the GNSO Council will have to think about whether they've kicked this into a third phase.

We're also going to add in an extra dimension, which is we're going to take a look at some domains that were registered for malicious purposes—phishing and malware and that kind of thing—and we want to see if the percentages of protection are different for those. In other words, is proxy protection being used to a greater extent? The study from 2013 said it was used to a greater extent, but now is GDPR temporary spec-type protection being used to protect those more or less than the general data population?

So, one of the things we can do is we can also look at a set of data from 2018 and see how much things changed in the last, say, two-and-a-half years. So, we'll look at it before and after the Temp Spec—2013, 2018, and 2020—and we'll see what changed and what the effects were. Next slide.

So, they said we've got methodologies to do these. We can reproduce those and provide some continuity over time. We do plan on using some larger data sets than before. The 2013 study by the University of Chicago only used 1,600 domain names. We want to use a lot more domain names than that to get a more accurate look.

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Doing this work has got some labor associated with it. Not only the analysis, but also what we have to do is we have to get the WHOIS data. We have to get it from the registry first to figure out who the registrar is and then we need to query the registrar to see if we have any data we can look at for the contacts. That's especially important when we want to then examine legal versus natural; we will then need to go to visit websites and so forth to see what's going on with those domains.

One of the things we proposed is when we publish the analysis, we also publish the data itself, which will be annotated. And that will show us, and the community, that the data is absolutely reliable. In general, this kind of analysis should be quite objective, but we want to also show the data underneath. It will not be up for debate.

So, these, of course: vital questions. ICANN has not studied them, but we're also trying to make policy decisions in the community and we need this data. So, the question becomes, how do we make it happen? So, I'd like to open the floor to questions.

STEVE DELBIANCO:

Thanks Greg and Lyman. The first question in the chat was I heard that GoDaddy was withdrawing its remaining contact data from WHOIS next month. Have you heard that? When would it happen? What does it mean? And does it affect the urgency of getting this study done?

GREG AARON:

The answer is that is true. GoDaddy has publicly stated that they'll withdraw all contact data, except for required fields like country, in

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June. They haven't said exactly when. Right now, you can look that data up but only in their web-based WHOIS. So, one of the things we want to do is get underway so we can capture that information. We'll need to do a lot of by-hand lookups, but it's vital, especially if you want to understand legal versus natural characteristics.

GoDaddy is 30% of the market for gTLD domains. A lot of registrars have done similar mass redactions. That means GoDaddy might have 50% of the remaining data.

STEVE DELBIANCO: Thanks, Greg. I see hands up for Mason Cole and Ben Wallis. Mason, you're first.

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

STEVE DELBIANCO: Yes.

MASON COLE: Okay. Greg and Lyman, thanks for the presentation. One question I had is, will you be testing for success rates for reveal requests as well? And then my second question is, how long do you anticipate the study will take before you have results to publish?

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GREG AARON:

I'll take the second question first. In our prospectus, we published a schedule of what we think the project will look like. We think we could publish it late in the Fall, maybe November, if we get underway pretty soon.

We had not proposed doing reveal requests. That would be, probably, an entirely separate project. Lyman actually knows a lot about reveal requests because he tried to design what such a project would look like and it's an entirely different beast. Lyman, you want to mention anything?

LYMAN CHAPIN:

Yeah, this was a potential study of privacy and proxy services that, actually, ICANN commissioned quite a few years ago. We found that it was extraordinarily difficult to get the kind of information that would be necessary to do the kind of straightforward data collection and analysis that we're hoping to be able to do with some of these other things. So, Mason, I may just get in touch with you offline to follow-up a little bit on this because I think it would be an interesting path to go down. I just haven't figured out quite how we might do it.

STEVE DELBIANCO:

Okay. And then, since we only have a few more minutes on this segment, Ben Wallis and then Margie Milam; we'll cut the queue off there. If other BC members have questions, please put them in the chat and I'll ensure that Greg and Lyman have them in writing and can respond to the BC in writing. Ben?



BEN WALLIS: Thanks, Steve, and thanks for the presentation. Steve, you spoke about about the possibility of the research, not just providing leverage, but also helping to build coalitions within the EPDP and to clear how the research could be helpful for the GAC and the business users who need access to WHOIS data. I will wonder if the research could be done in such a way that at least some of the findings are in some way also useful for the contracted parties and/or the NCSG, with which we are usually at loggerheads within the—

STEVE DELBIANCO: And don't forget SSAC and ALAC, Ben.

BEN WALLIS: Okay, and yes, more broadly I wondered what you hope the findings will help shift within the EPDP? Thanks.

STEVE DELBIANCO: Greg or Lyman, any answer to that?

GREG AARON: I can speak as an SSAC member whose been working on the EPDP, which is we would be very interested in seeing this data because we'd like to make decisions based upon facts. One of the things that we will probably see is how much or, frankly, how little data is available to be looked up outside of this new tiered system that's going to come out of

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the EPDP, hopefully. If there's little data available, then that is a case for getting the automation done.

And it also means that legitimate users, including security people, are going to have an interest in doing a fair number of queries. These are not going to be one-offs that can be handled manually.

I think that's going to also be a very compelling thing for the IPC to know and we have reached out to them as well. Hopefully, we can talk with them in the same way we're talking with you. I think ALAC is also interested in those kinds of things based upon their public comments so far.

STEVE DELBIANCO:

Margie, please.

MARGIE MILAM:

Thank you very much for this proposal, I think it's very interesting. I have an observation on the proposal and then a question about your prior study. I think it'd be really useful as you look at number six, the domains registered for malicious purposes, to break it out as to whether it's a proxy service or a non-proxy service because I'd be curious to see if there's a difference in abuse rates as it relates to a registration that's a proxy versus a non-proxy. So, maybe you can consider that.

And then, my second question is regarding your prior study, which was fantastic. Has there been any follow-up from ICANN itself regarding your findings, and in particular ICANN Compliance? Because you had a lot of compelling results that showed, I think, a lack of process in areas

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where ICANN compliance could improve and I'd be really curious to see if they followed up with you in any way. So, thank you for this presentation.

GREG AARON: Thank you, Margie. To your first question, yes, we were planning on breaking it down by those kinds of things including use of proxy. ICANN has not reached out to us regarding our last study, so we await their call.

LYMAN CHAPIN: I would add to that quickly that ICANN and a number of other groups that we might have expected to comment had been remarkably silent and we're not quite sure why that's the case, but that's what it is.

STEVE DELBIANCO: Greg and Lyman, thank you very much. There's another question in the chat, and so Chantelle and I will collect all the questions because, after you leave the call, we'll continue to discuss. And we're going to send you an email, Chantelle and I, with questions that you can follow up with BC colleagues. We'll redistribute the proposal that you submitted and anything else that you want to attach in the way of detailed answers and follow up. We'll do all that after the call today. Thank you, again, for presenting, and thank you especially for the first study that you did earlier this year. It has been very helpful to us. And thank you.

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LYMAN CHAPIN: Thank you very much, Steve.

GREG AARON: Thank you to all of you and we look forward to following up. Thanks.

STEVE DELBIANCO: All right, BC members, back to the policy calendar. Since our last call, we haven't [felt] posted anything new to the ICANN policy comment process, nothing was due, and we have four currently open public comment opportunities. You have, as attachment four, our draft comment on ICANN's market plan for the Africa region. Those comments close in a week. You've got a draft comment in front of you, it's attachment number four.

I want to thank Jimson, Roger, and Arinola for putting that together. It's a relatively brief comment, but it's important to so many BC members who work in that region, and we're looking out for the interest of business users and registrants. It's not an "economic development plan" for the Africa region, it's about addressing the particular needs for integrity and availability of registrations and resolutions in that region. Do you guys have any questions or comments for the drafters while we're on the call right now? Ben, your hand is up. Must be an old hand.

BEN WALLIS: Sorry, that's an old hand. Yeah.

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STEVE DELBIANCO:

Yeah, thanks again to the drafters. The second one is due another several days after that on June the 1<sup>st</sup> and it's a comment from the BC on ICANN's draft strategic plan. It's a four-year or five-year strategic plan for public technical identifiers. That PTI is the corporation set up within ICANN as a department to manage the IANA functions once we brought them in as part of the transition.

Again, Jimson led that with help from Tim Smith and Arinola, and that is attachment five. So, you now have with at least a seven and 10-day lead time, you have these draft comments, this one's only one page long. Are there any questions for the drafters or suggestions right now? Thanks again, Jimson and the team, for that.

The third one up, we need to get a volunteer for. This a very brief comment because we're really just commenting on tiny incremental changes that were made by the outside consultants to SSAC who prepared recommendations and report on name collision analysis that would affect the next round. "Name collision analysis," where a new gTLD name matches something that's used in internal networks that causes collisions, for instance, dot printer, dot office, dot mail. Certain gTLDs like that had high potential and some empirical evidence that they caused collisions with internal API traffic on corporate networks.

So, Mark Švančárek and Steve, myself, drafted a brief set of BC comments and, sure enough, staff reflected them back. Do we have any volunteers that would work with Mark and I on the final? All right, not seeing any other hands for volunteers. Mark and I will do that. Mark's not on the call yet, I think he had another appointment.

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All right, and then the fourth one up. The ccNSO, like the GNSO, does PDPs for policy. They have a very similar process to ours and they have invited community-wide comments, not just comments from within the CC community, country-code community.

Those comments close on June the 10<sup>th</sup> and it's an opportunity for us to weigh in on their proposal for a process by which the ccNSO could retire country-code top-level domains that are no longer in the ISO 3166 table, no longer being used. Dot SU, dot Soviet Union, for instance, is still being used and, actually, I understand they're still expecting and accepting registrations.

So, if there's going to be a process to retire something like that, I would imagine that BC members, who registered domain names in certain country codes, would want to have something to say about their process. Do we have any BC members with experience in ccTLDs that would be able to help with this?

JIMSON OLUFUYE:

Yeah, Steve. I could take a look at it.

STEVE DELBIANCO:

Thank you, Jimson. Anyone else can help? And again, it's largely a process question. You're not going to be able to weigh in and say "get rid of dot SU," we're going to weigh in on the process that would be used. And I can see that we want to be sure that, before ccNSO shuts down a ccTLD, they consult with the registrants who might be actively using it. This is a crazy example, but dot UK is not in the 3166 table. UK

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got it early on when ICANN was still being formed, but there's no way that IANA and ICANN would call for the destruction of dot UK instead of dot GB for Great Britain, which is what it is in the 3166 table.

Any other volunteers? So, Lawrence would help. Thank you. Okay. Let me move on, then. We've already covered I think a good bit on modifying WHOIS policies for GDPR, but I did want to give Margie and Mark an opportunity to add a little detail to the rather, I guess, extreme statement I made earlier about how badly it's going in the EPDP.

It's going badly, but that's not for lack of effort. Mark, and Margie, and Alex Deacon have worked tirelessly, putting in probably 15 hours a week minimum doing the homework necessary to address the prep calls and then the EPDP calls. We're also doing a lot of behind-the-scenes work with the contract party, with ALAC, GAC, and SSAC to see if we can build an alliance, find a way to cut a deal because, at this point, NCSG and the contract parties are blocking the progress that we were looking for for a centralized disclosure system. Margie and Mark, anything you want to add? The floor is yours.

MARGIE MILAM:

Hi, I think I'll go ahead. I don't know if Mark's on, he said he was going to be late. But yeah, Steve is correct. The situation seems to be getting worse and worse with every call and part of the problem is that we're up against a very tight deadline. We're intending to publish our final report by the end of June because we'll lose Janis Karklins.

And so, what's happened is even the extensive comments that were submitted for the addendum are basically given the short shrift. There's

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very little discussion, for example, about the fact that the GAC, the ALAC, the IPC, and the BC submitted, essentially, a joint statement that identified all of the shortcomings in the policy recommendations. And yet, that coalition of, basically, dissenting opinions are being ignored. And there are a lot of process issues, a lot of rehashing of previous recommendations that we already had reached agreement on and moved past. And so, it's not looking like we're going to get any additional concessions as we ramp up to the final report.

One example, yesterday we were talking about the important third-party purposes, and we ended up revisiting whether or not we would have a third-party purpose for access for cybersecurity and intellectual property needs. That was agreed to months ago, and yet we probably spent a fair 25 minutes of the call on that alone only to end up confirming what we had done before. So, we're not making any new progress. We still have this very problematic policy that does not in any way track what GDPR requires because we are not making a legal/natural person distinction – we're not making a geographic distinction.

And, as a result, I don't see this system being anything that would be satisfactory for BC members. It's simply a ticketing system. That's all we're going to get out of this. We will have no accountability, we will have no reasonable automation at this point, even though that was originally envisaged when we decided to go through this hybrid model.

And so, it just keeps getting cut and cut and, as you can tell from Steve and myself, and I'm sure Mark will echo this, we are all very frustrated



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and aren't sure that this is going to be a system that would be even useful to us. So, that's essentially what we're seeing.

And, yet, everyday we're putting in hours of work to try to at least keep the concessions that we'd already achieved and to try to make headway on some of the important issues like legal/natural, accuracy, and all the things like that. So, yeah, Steve is exactly correct. It's just not a good situation.

STEVE DELBIANCO:

Thanks, Margie, and I know Mark has joined and may want to chime in as well, but we do parallel work within the EPDP and then we work around and beside it in a number of ways to create some pressure and leverage to try to get the contracted parties to agree to some sort of mechanism for evolution so we can evolve the kinds of queries and the entities who might make the requests for which disclosure can be automated and centralized. Mark SV, anything you'd like to add to what Margie explained?

MARK ŠVANČÁREK:

Margie's summary was pretty good. I guess I would make two points. One is that, at this point, the mechanism for evolution, or the MFE, is the most crucial remaining portion. Right now, we're being told that there is going to be no evolution unless it goes through a PDP and then through the GNSO Council, and there's no reason to believe that there would be any agility in such a system or that we would have any ability to request anything reasonable that would improve the system over what it is.

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I do want to object to one thing that Margie said. We are fighting to keep anything that's good in the policy right now, but I would not characterize that as any concessions received. I don't believe we have any concessions received, unless you consider having any sort of a system at all to be a concession. The system that we have is unaccountable, un-transparent, has no performance, et cetera. So, I'm not sure that we've actually received any concessions at all.

I was actually thinking on this the other day when I was trying to think, if we were to drop out, if we were to vote no, what could we potentially lose? And there's a ticketing system. I'm not sure if there's anything else that we would actually lose. That's not to say that I don't value the ticketing system. I think that in itself is a great step forward but, I don't know ... There's not much else. So, that's all I would contribute to what Margie had to say. Thank you.

STEVE DELBIANCO:

Thanks, Mark. Any questions from the rest of the BC? Chris Wilson, please go ahead.

CHRIS WILSON:

Thanks, Steve, and thanks, Margie and Mark, for your efforts. I guess the question is what are the next steps? Assuming that this report moves forward as-is, if you will, at the end of June, what are next steps? I guess, have you guys had conversations with council about dealing with these addendum issues and priority two issues? What do we see going forward?

MARGIE MILAM: Chris, actually, that's probably a better question for Marie because I don't know if we have a lot of clarity yet on how those issues will be resolved that have been essentially pulled out of our purview. So, assuming that we get to a final report and assuming that it has the consensus to process, the council would vote on it in July. It would go to public comment, and then the board would adopt it after that. So, if July is when the council approves it, you're talking about September, probably, before the board actually votes on it. So, that's the process, but, certainly, I don't have clarity yet on what will happen with the issues that aren't addressed in the report.

STEVE DELBIANCO: Marie, go ahead please.

MARIE PATTULLO: Thank you. Thank you, Margie. And also, following on from what Chris just said, as you know, we have council tomorrow evening. And if you look at the agenda, I'm quoting here from the agenda that Rafik is going to give us an update. Additionally, "The council will discuss the challenges the team's experiencing in reaching agreement on certain topics, e.g. accuracy, legal versus natural, et cetera. The team notes these challenges in the context of elements that may affect delivery of the final report in June e.g. ..." Now, this wording I found interesting: "Reviewing the voluminous and complex public comments received which may then have an impact on both the availability of the chair and funding of the project."

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Then, it goes on to say, “Here the council will consider these issues and consider how it might aide at the timely delivery of the final report and to the extent there are unresolved issues and how this should be handled.”

So question one is, what do you want us to say in council? Beyond what I’m assuming is, “On behalf of the BC, we think it’s more important that we get it done properly rather than getting it done artificially fast. We are concerned that issues that are paramount to business users, such as data accuracy, legal versus natural, and so on, were deliberately left out of phase one on a compromised agreement between the team members that they would be dealt with in phase two.

And we are also very worried because we’re not sure that the comments that were collected from all of the community to the Phase 2 report have been given due consideration.” Now, do you want me to say that? Do you want me to say something else? Thanks, Margie.

STEVE DELBIANCO:

Marie, before I have Mark and Margie weigh in, let’s be sure that for our colleagues to understand that us objecting to the process and timing doesn’t really get us what we want. The reason legal and natural isn’t being handled is a process problem. It’s because the contract parties and NCSG don’t want to deal with it, and them saying that they would prefer to allow them to be redacted.

So, they’ve been able to pretend that we just don’t have the time to deal with it, but in true, they have said time and time again they do not want to publish legal persons’ data. So, we’ve lost on the votes on that.

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It's not a matter of running out of time. They outvote us unless we can get GAC, SSAC, and ALAC to really assert themselves strongly. But, Margie and Mark, why don't you reply to Marie?

MARGIE MILAM:

I do think that, Steve, you are correct that it's going to be a hard time getting consensus on those points, but I don't think that means we shouldn't try, particularly because we actually did get legal counsel that addressed how we could address the legal/natural person issue. And so, we had legal advice that said that, if a registration record has no personal information, so you're talking about one for a legal person, it can be disclosed upon request. And that can be automated.

So, we actually have a number of cases that could be automated and would dramatically help the situation. And I would prefer to at least have a conversation about it because I am concerned that, if it goes to the GNSO Council and a new process is started, it may take a whole other timeline, a different set of people, no interest in achieving compromise, versus a group of people that have already worked together, could get through the issue fairly quickly. And Janis could potentially at least influence of the decision making if we're able to move on it before he leaves. So, I think that's part of it.

Marie, I do agree with the other things you said. I think that's very spot-on and I don't want this to go on a long time. But certainly giving it, say, three months, I don't see how that should be problematic when, if you remember, the timeline was originally established before the COVID crisis. And as a result of the COVID crisis, we've been unable to have

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face-to-face meetings, which is where all the progress typically gets made. It's a lot easier to achieve compromise when you're in the room with your colleagues.

So, I don't think it's out of the realm of reasonableness to ask for a three-month extension to address these issues and I do think that, by not doing it, it really puts us at a huge disadvantage, and effectively it means that those issues will never get addressed.

STEVE DELBIANCO:

Thanks, Margie, very helpful and I see that Marie said she's been taking some notes. The council call is tomorrow at 21:00 UTC. Mark and Margie, Alex, let's be on the Skype channel. BC EPDP, let's be on that Skype channel, and we can support Marie live like we did on the last call. And Marie, fantastic work that you're doing and we'll all be there to back you up. We'll be listening and jumping on the Skype.

Okay, with that, I'd like to turn it over to Marie and Scott, our councilors, to handle channel two. You'll see in the policy calendar, I've included the key items from their agenda for tomorrow. There are multiple attachments, and Marie, whenever you tell me to, I'll open up certain attachments that will help you to walk people through council. It's all yours.

MARIE PATTULLO:

Thanks so much, Steve. I'm conscious of time so, for the moment, I don't think we need the attachments open. But what I will say is, yes, council is tomorrow, please listen in. Thank you so much for saying that

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you'll support us. Scott and I really, really do need that and appreciate it.

Process parts, we are officially reappointing Matthew Shears to seat 14 on the board. You know that's already been addressed, but just to let you know. The work prioritization plan, we don't really need to talk about this now in the interest of time, but you know we have a work program for the council, you know they asked us for comments that we sent in, of course. Notable to me, as ever, is that every time we mention accuracy they seem to go deaf. So, all of our comments about accuracy were not taken up but, fear not, Scott and I will be repeating them tomorrow.

We are then going to have a discussion on the EPDP, as you know. We've pretty much touched on that just now, and there's also another wonderful accuracy point which is the Sub Pro. As you know, that is ICANN speak for what happens if we have a new round of gTLDs. The Sub Pro team has decided that, although they were asked to look at data accuracy—bearing mind this doesn't just affect new gTLDs, it affects all gTLDs—they don't think they should be looking at it because they think it should be holistic. So, on the one hand, yep, I agree, on the other hand, yes, another can kicked.

And now, going back to the meatiest part in some ways, which is thick WHOIS. There's been a lot of toing and froing between [inaudible] on council, but with your authority, Steve, I turn this one over to our expert, Alex. You can explain it far better than I. Alex?

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ALEX DEACON:

Thanks, Marie. I'm not too sure I'm an expert here, but in terms of the letter, I think you and John from the IPC have been trying to make updates. To be honest, I don't know where that ended up. Either way, I think, in terms of thick WHOIS, it's my opinion that many on the GNSO Council have kind of presupposed the next steps and the results of the next steps, instead of putting a process together and letting the council and the constituents make that decision, which is, I think, the biggest concern for me.

In terms of next steps, it seems to me that the one, perhaps only, option for us to stop the killing-off of thick WHOIS is to argue strongly and convincingly that a new PDP is not required that will eventually kill thick WHOIS. And how we do that, I think the updated letter that John and Marie submitted kind of indicates some reasoning that supports that, but I think we need to think a little bit more about exactly what our plan is in terms of crafting, if you will, this convincing argument.

At a high level, I think our position is, as Marie stated, somewhere ... We think thick WHOIS is an approved thick WHOIS policy, both by the board and the GNSO Council, and it should continue to be implemented as envisioned by the community. So, I don't know, Marie, if you want to add anything there in terms of tactics going into the call tomorrow.

STEVE DELBIANCO:

We do have to move it along, though, too. Final word, Marie.

MARIE PATTULLO:

No, I'm good.



STEVE DELBIANCO:

All right. Alex and Marie, thanks again. And Scott, we'll be backing you up tomorrow. Let me quickly move on through one quick update here on the Accountability and Transparency Review Team, called ATRT 3, it's on the screen in front of you. Tola represents us on that working group, he represents all of CSG, and I sent all of you a few days ago a link to a draft minority statement from the CSG, and Tola has worked very hard to try to get some of those points resolved because the leaders of the ATRT 3 would prefer not to have a minority statement.

So, Tola's discovered that walking in with a minority statement [acquires] a little bit of leverage, and I know you've made some progress on that. BC members are invited to suggest comments and edits to the minority statement and I respond to them. But, Tola, do you want to give us any updates right now as to where that is?

ADETOLA SOGBESAN:

Okay, thank you, Steve. Yeah, we had a call today and that was one of the issues that we discussed. Based on the intervention we have made from the CSG statement, there have been a couple of improvements on some of the wordings of the explanation that has been provided, but it is still not enough.

Today, there was an appeal by the co-chairs wanting to discontinue the minority statement on two grounds. On one ground, is that the CSG cannot submit a minority statement because this is not a public comment, so to speak. However, Osvaldo had volunteered to present the minority report. Now, the challenge for him has been members

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have been trying to [put in a plan] to ensure that the minority report doesn't come because they think is actually [ordered by] the professionalism of the team over the course of the year. But [here] the assistant is going to be submitted and we have until Friday before our call. The call is 21:00 UTC, so we can expect that Osvaldo will submit the minority statement.

Two, three issues that were raised by the CSG in the minority report statement have been attended to, but not in totality. Number one, the issue of independent and external [inaudible] for the specific review team was explained to imply that when the report was submitted for public comment, what was intended was the word "independence," not the word "external." And so, when the community responded with percentages for "external," what the review team interpreted it to be was the word "independent," and they apologize for that.

The second issue that was raised was the issue of holistic or non-holistic [inaudible]. There is a call that is coming in. Okay, so that has been changed. The word "holistic" was removed before, it's been replaced after we made the complaint, and the top issue was about evolvment about what we have now into what we intend to have. The word "evolving" was introduced to explain that we'll keep what we have right now and we evolve into what is desired: having a holistic approach.

Now, in running the holistic approach, now we have prepared our next [show], that [inaudible] appendix where all the issues raised have been provided in conjunction with the board's explanation. One interesting thing that transpired today was León, who represents the board on the review team, making a case of what the board may not consider, and

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we're able to now include a particular recommendation that the board must implement a recommendation on the team within six months. And I think that is what transpired. We have our last call next week, Wednesday. After that, the transmission will be sent to the board.

STEVE DELBIANCO:

Got it. Thank you, Tola, appreciate that. All right, BC members are allowed to look at minority statement in the link to the Google Doc that I have. Add your comments. Tola and I will resolve them. Thank you.

[Barbara Water] is not with us today on the call, but she did prepare this report for all of you. It mostly focuses on what's coming up at ICANN 68. We attached a brand new block schedule, it's attachment seven. We've made some significant revisions to the agenda for what CSG and BC need to deal with. You should understand that there will be a special meeting of CSG and the board, but it will be a Zoom call and it will happen after ICANN 68 to deep-dive into our letter on DNS abuse follow-up. So, it looks like we're going to have a closed meeting for CSG and a closed meeting with our board members, and both of those will occur virtually. We'll get you the date and time as soon as we have it.

And there are three cross-community plenary sessions. First one on DNS abuse, that's going to be very important for BC members. Second one on DNS and the Internet of Things, IOT, and then finally one on how to organize ICANN in the post-COVID-19 virtual meetings, this notion of, will we continue to have three physical meetings a year or not?

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If any of you have topics to propose for the CSG meeting with Becky and Matthew, we need them in the next week. If any of you have topics for that post-ICANN meeting, we have more time for that.

I did want to update you on the elections. It looks like GNSO Council was not going to have a chair unless CSG came up with one, and we think that we have. Philippe Fouquart of the ISP, he works for Orange, the telecom provider in France. He has got the consent of his employer and he is willing to serve as chair. So, as long as the NCSG is on board, we would have a chair from the non-contract party house. If that happens, then one of the vice chairs for non-contract party house would be selected by the NCSG because Philippe would be coming from the commercial side. That's all I have and I'll turn it back over to you, Claudia.

CLAUDIA SELLI: Thank you, Steve. I don't have other things to update members with, but I will leave the floor to Jimson for the operation and finance report.

JIMSON OLUFUYE: Okay, thank you Claudia, and thanks, Steve, for the heavy weightlifting. Regard to finance, members are sent the draft FY 21 budget proposal [BC to the] list. Please take a look closely. I know we may have to still make some review up to June when the SCOM will approve, will be during ICANN 68 when we have the SCOM meeting during that period. But basically, we still have a healthy balance, we're still working toward reducing our [result] because, really, we are targeting that [result it] should just be 24 months of operating costs, so to speak.

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So, for next year, we're looking at still having our anniversary in Cancún if travel is resumed. Maybe that will be 24<sup>th</sup> anniversary at ICANN 70, so there is permission for that. Perhaps as we approach the approval period, if we conclude in co-sponsoring the study that Greg and Lyman have proposed, then we can also integrate that into the budget proposal. So, if there is any question, please feel free to send it to me. I will [pertain it] to update the draft document.

And, on operations, yes, we're still in the election mode and, as Chantelle has communicated, we do have nominations for different positions and the BC want to thank that have accepted to serve. It is a lot of commitment, and so we really appreciate the willingness of Matt Datysgeld to put himself forward. I appreciate all of those who did the nomination, as well. [Inaudible] for NomCom small business seat, Adetola Sogbesan. Thank you, Tola, for putting yourself forward through this. And also, for the ALAC business seat, Scott, I want to appreciate you for your continuous commitment.

And so, the period now is open for those nominees to put together their candidate statements so that, by Wednesday of next week, we can possibly have a candidate call. But please be sure that your candidate statements get to everybody by Tuesday, May 26<sup>th</sup>.

So, the whole target is that by June 5<sup>th</sup> we'll be through with this election; I'll be able to submit the names of the successful candidates to ICANN for onward process. So, on this note, I want to say thank you for listening. If there's any question, I'm ready to take it.

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CLAUDIA SELLI: Thank you, Jimson. I don't know if members have other points to raise. If so, please do it now. And otherwise, we can resume the meeting and stop the recording if there are no other points to be raised. Thank you, everybody, for being in the call and please stay safe.

JIMSON OLUFUYE: Thank you, Claudia. See you, everybody.

CLAUDIA SELLI: Thanks, everybody.

**[END OF TRANSCRIPTION]**