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CHANTELLE DOERKSEN: Testing, testing. Can you hear me okay?

STEVE DELBIANCO: Yes.

UNIDENTIFIED MALE: Good now.

CHANTELLE DOERKSEN: Okay. Sorry about that. I will look into what happened. Good morning good afternoon, good evening. Welcome to the BC Members Call on July 8<sup>th</sup>, 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 would like to turn it over to our Chair, Claudia, to begin. Claudia, please go ahead.

CLAUDIA SELLI: Thank you very much, Chantelle, and thank you very much, everybody, for attending. As usual, you have the agenda in front of you. We are going to start our meeting with a policy discussion followed by the Council update, CSG report, and finance and operation report. If any member have AOB or other points to raise, please let us know and we will add that. With that, Steve, I will give the floor to you for the policy discussion.

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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.*

STEVE DELBIANCO:

Thanks, Claudia. I have a policy calendar in the Zoom share screen and this is the same one that I circulated yesterday afternoon. Since our last meeting, which was held during the ICANN 68, we haven't filed new comments but I will remind you on the 17<sup>th</sup> of June, we joined the Intellectual Property Constituency in a letter to ICANN and to Council on implementing thick WHOIS and one of the recommendations from the EPDP Phase 1, Recommendation 7. So we still see that there isn't an inherent conflict and we are encouraging ICANN to proceed with the thick WHOIS implementation.

The selected open public comments, there are about four of them out there right now. First one up here is the Country Code Name Supporting Organization, or the ccNSO, is having their own PDP, trying to determine a new policy on how to retire Country Code Top-Level Domain Names like .SU for Soviet Union. So we put together a draft comment and I shared with you Jimson's initial draft back on the 17<sup>th</sup> of June. And Attachment 1 to today's policy calendar is a more extensive draft based on some edits by Lawrence—thank you, Lawrence, for those—as well as some further work that was done by Jimson on those.

I will be happy to take questions right now for BC members if you have any, what you would like to see in this comment because we're going to be filing it this Friday. At this point, Jimson or Lawrence, if you want to add anything, this would be a great time to do so. Last chance. Lawrence, anything you want to add?

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JIMSON OLUFUYE: Nothing to add from my side.

STEVE DELBIANCO: Thanks, Jimson. How about you, Lawrence?

LAWRENCE OLAWALE: No. I'm fine with the draft the way it is.

STEVE DELBIANCO: Great. So Lawrence, you and Jimson did a few edits back and forth yesterday and I believe there are still some unresolved comments in the document that I attached. So in the next two or three days, you and I and Jimson should just sort out the comments that you left in there, okay?

[JIMSON OLUFUYE]: That would be great. I'm happy to do that.

STEVE DELBIANCO: Thank you. Next one up is a comment on ICANN's strategic plan for a region. This region is Latin America and the Caribbean. As you know, ICANN Org under the leadership of Fadi Shehadi used to do regional plans to try to drum up support from contract parties. We've sort of reoriented that to say that at the most, ICANN should be focusing on people that register domain names and people that use domain name system and not worry about being an economic development engine for registrars. So we make it all about registrants and users and I think that

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we'll be able to [hit] that again. Mark Datysgeld did a draft of a BC comment. It's the second attachment to the policy calendar. Gabby confirmed that and Andrew Mack has promised to provide edits between now and the due date which is the 14<sup>th</sup> of July. We won't have another call between then and now so this is an opportunity that if there are BC members having something you want to say about that draft comment, this is a great time to do it.

Mark Datysgeld, since I have you on the line, why don't you summarize what you think are the key takeaways from the draft that you circulated? And I'll share that draft in the Zoom. Mark Datysgeld, would you be... Do you want to make a comment on the draft that you circulated? Not hearing Mark. So you all have a copy of it. It's the second attachment. Let's please take a look at that and get your feedback in because the 14<sup>th</sup> is next week.

The third one up is a final report from one of the big specific reviews created in the ICANN bylaws. It's the Accountability and Transparency Review, or ATRT, and this is the third one, the ATRT3. These comments close at the end of July. We have plenty of time on that. Tola served to represent the Commercial Stakeholders Group on that review team and while Tola was on there, we went through a period of adjustment at the end of the ATRT report and we actually filed a minority statement from the Commercial Stakeholders Group suggesting we had concerns over process and substance. So I have links to all of those comments that we filed and I wanted to thank Mason Cole and Susan Kawaguchi because you volunteered to draft the BC comment. This would be a great time to see if there are other members of the BC that would help Susan and Mason. This is a substantive report and it does have great interest to

the BC membership. Can I find another volunteer that would assist? You'd be working with Susan and Mason, two of the most experienced BC members. I'll help as well. Can we get someone else that would raise a hand and assist? With Susan and Mason at the helm, it'll be an easy task. Any of the new members want to learn from the experts? All right, not seeing any extra volunteers. Mason, Susan, thank you again for stepping up on that.

The fourth comment is due the 2<sup>nd</sup> of August and it's the Next Steps Proposal from ICANN on enhancing the effectiveness of the Multistakeholder model. This is a strategic initiative of Cherine Chalaby, our former Chairman of the ICANN Board. I wanted to thank Mark Datysgeld, John Berard, Andy Abrams, Arinola, and also Jay Chapman. Thank you, Jay, also for jumping in, for volunteering to draft that comment. And there's plenty of time on that and you have a great team so I'm confident we'll have a good one. You should pick up heavily on the comment the BC filed in October 2015. Go ahead, Arinola.

ARINOLA AKINYEMI:

[inaudible]

STEVE DELBIANCO:

Okay. I also wanted to call your attention to the ICANN 68 Communique from the GAC. There are several points in there—and I have a link to it—that are relevant to the BC, such as the EPDP and questions of legal and natural persons data accuracy, the expansion of new gTLDs, DNS abuse, and then Workstream 2 from the IANA transition. So the GAC Communique is often where we pick up real clues about where the GAC

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is on key issues and that's important but it's often not this positive of concerns and problems we have in Council because the GAC doesn't vote in Council and even on working groups like the EPDP, the GAC is relatively quiet and often doesn't come up with a formal voting position when a consensus call comes around. Just the same, it's great to know areas where we have alignment from the GAC and we can cite their concerns to support the rhetoric that we have and arguments that occur in the GNSO.

All right, moving down to the WHOIS policies that comply with GDPR. Mark Svancarek has told me that he is on a call until 11:30 this morning and will join at 11:30. So Claudia, if it's okay, I would defer the GDPR discussion until Mark can get on the line, Mark Svancarek, and I'll quickly just summarize.

CLAUDIA SELLI: [Inaudible] by all means.

STEVE DELBIANCO: Great. Thank you. And then I wanted to give you an update. I wrote to the folks at Interisle Consulting and asked them if they were making good progress towards raising the \$200,000 they need for the study they want to do on WHOIS data. They tell me that they are on the way but not yet there. They do not have enough to begin their work. I told them that the \$20,000 pledged from the Business Constituency is contingent on them raising the full \$200,000 and so that's a contingency. He says they're relatively confident they'll get there.

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I also asked, “Now that you’re starting this so much later than you’d hoped, are we going to have it finished in time to be of much use?” I didn’t get an answer to that because they can’t know when they’re going to finish until they know when they can start. Any BC members have anything to add on the Interisle study?

Okay. Let me move on to the next item on here is that on June 22<sup>nd</sup>, the GAC wrote to Council sort of echoing our concerns on legal natural persons inaccuracy and then Council replied to the SSAC on their SAC 111 on the Phase 2 report. At this point, I can’t tell you what the SSAC is going to do within the EPDP. There’s a small chance they would vote no in the final report based on the same concerns that we’ve expressed. But hard to count on that. A lot of you know that Janis Karklins ended his role as Chair of the EPDP on the 30<sup>th</sup> of June. Mark and Margie, I think, will back me up on this. Janis was an outstanding Chair, just superb, and actually had our interests in mind as he pressed the registries and registrars to try to be more accommodating of the needs of consumer protection and brand protection. We’re going to defer until Mark Svancarek joins the call for Mark and Margie to give an update on the final Phase 2 report.

So why don’t we move dump into Channel 2 of the policy discussion for Marie and Scott. I have it up on the Zoom screen. Marie and Scott, why don’t you take us through Council?

MARIE PATTULLO:

Sure, Scott. Happy to do that. I’m conscious that Mark isn’t here, so I’ve just come off a call about the EPDP but I will put that to the end of what

I'm going to say. Hopefully he'll be able to join us very soon, at least after that.

As you see in the policy calendar, we have an extraordinary meeting for Council coming up next week. It's about the GNSO work prioritization. I can't share much with you beyond that which you have already because they haven't yet sent it to us. But we understand they're going to be sending us some documents, some explanations on Friday, so two days from now. As soon as I get that, I will send it on to you and I would, of course—we would, of course—very much appreciate your input on that.

Jumping over the EPDP part that's mentioned there, which I'll come back to as I just said, you all know that we're coming into the final stretches for the CCWG and auction proceeds so that's the money that ICANN has had leftover, for want of a better term, since the new gTLD program all those years ago. The idea is to have a mechanism to be able to distribute it, not how to distribute it, not who to distribute it to, but a mechanism. There was a webinar yesterday. We've circulated already what happened there. So far as I know, and here Barbara will correct me, we're pretty much in the final stretch so there's not much more to do. That said, Erika Mann, who is one of the Co-Chairs of the Auction Proceeds Working Group, did say on the webinar if anyone has any really desperate issues, things that you really do feel that need to be looked at, she will still listen to them and she's [inaudible] quite elastic on the timeline. I don't know if you want to, to take that up, but anyway, put out to you for you to decide.

The IRP, if you have a look back at the notes on the last Council meeting we had, so the one that was not in Kuala Lumpur, you'd see that there's

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still an open question as to how we appoint community members to the standing panel. Go and have a look at that. If you are interested in that, it is quite technical. But again, if you have any feedback, we do need to get it in relatively quickly.

There's a couple of new things that I'm not... Just let me flick to another screen. Excuse me. There's also a draft proposal for the return to face-to-face meetings. Now as you know, you will have noticed that not many people are having face-to-face meetings at the moment. So what they have done within ICANN is come up with a draft plan as to a phased approach of how that could be done. There's a link to the draft proposal in the policy calendar that was circulated. As Council, we've been asked if we have any ideas to collect input from you, so from our community, from our stakeholder group, from our constituency, so us, and share it with Council leadership and they would like it this week if possible.

I do know that Mark Datysgeld had some ideas on that. It's all supposed to be practical and please remember it's all supposed to work for all of us. The pros and cons of how we get back into face-to-face meetings as soon as we can, so please do have a look at that. We also have—sorry, I'm just flicking through again—DNS abuse, okay, we had a letter from SubPro so that's the working group that's looking at whether or not we need to change what we did for the last gTLD round to make it work for the new gTLD round whenever that may happen. They were asked to look at abuse by the Board as part of the CCT review. They decided they don't want to look at abuse only within the context of new gTLDs because it's much bigger than that. So it's now back on Council table

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which is not quite sure what it's going to do with it apart from the fact it does have to do something about abuse in the whole DNS system.

Something that's not on here because it only came up a couple of hours ago is you'll remember there was a big discussion about whether Phase 1 of the EPDP, its recommendations complied with or contradicted the rules on thick WHOIS. So Alex Deacon, who was pretty much leading the charge on that, helped to draft an amazing letter that went in to the Board. The Board has replied today. It's within the IRT. I'm sorry, Alex, I couldn't give you a heads up on this because I didn't know it myself. But my understanding is that the IRT is now actively looking at whether there is, in fact, any reason why thick WHOIS cannot be implemented. If I'm wrong, then please shout out now.

STEVE DELBIANCO:

And Alex, it might help to identify the counterarguments that are being used to delay thick WHOIS implementation.

ALEX DEACON:

Yeah, hi. Well, the counterarguments are that the GDPR makes it difficult, and essentially, places risk on the contracted parties to transfer this data. The Rec 7 of Phase 1 says that the transfer of that data is optional to occur unless there is a legal basis and a data processing agreement in place. So that was our argument is that, well, let's put that together based on the thick WHOIS consensus policy that the community agreed to and move forward.

I haven't had a chance to read all of the e-mails on this topic that came through just this morning. So I can't really comment on that. I will note on the IRT call that is scheduled in a few hours, there was no agenda item to discuss this and so the GNSO Liaison to the IRT, Sebastien Ducos, is, I think, still endeavoring to come up with a solution to this issue or somehow solve the so-called conflict between the various positions. I haven't seen that yet, but I think as I mentioned on the last call, I'm encouraged that he seems to be leaning toward a solution that would occur within the IRT and not toward a solution that would require a new PDP to be split up. So I think that's encouraging.

So well, until I read the correspondence from this morning, that's all I could, that's the only update I have for now. But I'm happy to answer any other questions you may have.

STEVE DELBIANCO:

Thanks, Alex.

MARIE PATTULLO:

Thanks so much, Alex. And Mark S, Mark Svancarek, your timing is perfect because the last thing that I want to talk about on Council is the phone call that I've just come off which is the so-called small team on Phase 2 of the EPDP. Now this isn't about the substance. You're going to hear from Mark and Margie, our experts on the substance. This is about the process.

As you know, at the end of the so-called Phase 1 of the EPDP, a whole bunch of issues got punted into Phase 2 for lots of different reasons.

When that happened within Phase 2, there was then a separation of the issues that the team still had to deal with, so-called Priority 1, so-called Priority 2. A lot of those Priority 2 issues did not get dealt with and some of them really matter to the BC, one of which being data accuracy, of course, and one of which being legal versus natural. There's also the question of anonymized e-mails.

Now where we are at the moment in Council is that either the EPDP is going to close out very soon and these issues are going to sit on the shelf and collect dust or something is going to happen to deal with those issues. So we pushed on the last Council to be involved in the scoping of how they're going to move this forward and the upshot of that is this small team I've just come off.

Now a lot of confusion reigns in there. The team is pretty much, it seems—as we found out today—being led by Rafik. That's not surprising because Rafik is the liaison between the Council and the EPDP. Our questions go to not just "Can we please deal with these issues as soon as possible?". They also go to the operating procedures and the bylaws of the GNSO Council are really complicated and we're not completely certain that the way they are looking to either extend the EPDP, reformulate it, come up with a new group, something around that, actually fits within that procedure.

Now Marika, who many of you will know is on staff and an absolute expert, was very clear on the call that she believes that everything here fits within the procedure. My personal concern—I'm talking here in my personal capacity—is that I'm not convinced that's right and I'm not overly comfortable with this small team just reporting back to Council

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on whatever Rafik and Marika think is the easiest way out. Now I'm sorry if that sounds cruel. I have great respect for both Rafik and Marika. I'm just really a little bit confused and confuddled with this process.

During the call today, it was also... A few things came up that I found interesting. One of the reps from the contracted party, [inaudible], said, "Well, for example, privacy proxy, come on, there's already a work stream on that. We don't need to be dealing with it within the EPDP." Now that really worries me and I pointed out that we've had privacy proxy for work for years that have not come to fruition, including an implementation that has not been implemented because apparently it's on hold for the EPDP. So I put that directly to Marika and she replied and said she couldn't answer that, it was above her paygrade with a smiley face. So you see, I'm just not happy with the way that this is spanning out.

So what I'm trying to do is ensure that two things happen. Number one, we're going to have a separate work stream on accuracy. I think pretty much everyone knows that's the way it's going to be. But it needs to start as soon as possible. It needs to be scoped as soon as possible. It's not something that I would like to see in a decade from now.

Number two, and in parallel, we need a really tight scoping for how we are dealing with the so-called remaining issues under Priority 2. My personal opinion, and again, this is just me—this is personal—I would like to see that small team of councilors putting their heads together, not to talk about substance, not to talk around in circles, but to figure out exactly what we need to do, what instructions we need to give, who

should be on this team. Is it the same as the EPDP, scope, so people outside the GNSO, is it just the GNSO, and so on and so on. And I personally would like that to be facilitated by a non-Council expert from the community.

Anyway, all of that said, what is actually happening is that Rafik and Marika are supposed to come back with a new proposal by Friday and yeah. I'm going to stop talking, but Mark, Margie, I would really, really appreciate your thoughts on this. Thank you.

STEVE DELBIANCO:

Mark, welcome to the call. We covered some other items but saved the EPDP discussions until you joined us. So this is appropriate. I had shared with everyone that if I put in the policy calendar, that we have a final Phase 2 report in front of us right now and this is the week when all of us, led by you, Margie, and Alex Deacon, as well as our colleagues in the IPC, have been going through that report determining which recommendations we could live with, which we cannot live with, especially the all-important Recommendation 18 on continuing evolution mechanism so that some day, somehow businesses could access WHOIS like we used to for the purposes of protecting our customers from fraud and abuse.

So all of that folds into a giant report which will need an overall level of consensus, so it's not just about each and every recommendation. So Mark and Margie, it would be great for you to give us the current lay of the land, and Alex, please weigh in as well, as to what we are doing this week and next week on EPDP Phase 2.

MARGIE MILAM: May I comment on Marie's question first and then we can kind of shift?

STEVE DELBIANCO: Of course. Of course.

MARGIE MILAM: Sure. And Marie, from my perspective, I think you're on the right, you've got the right approach. The one thing that I would be worried about is kicking off any of these issues into a brand new PDP. I think it's important for us to keep it in the EPDP as, say, Phase 3 even if you have to perhaps reconstitute the members from each group that will participate in Phase 3 because it is a continuation of those issues and the problem with starting a new PDP is, as you know, they have to start all the way from scratch from an issue report all the way to an initial report, final report. It goes on and on. And what I worry about is it shifting to a traditional PDP which means that you don't have the same constituent number of participants. You'll have, perhaps, one group with a louder voice than the others, and essentially, those issues would get watered down and we would make, simply, no progress.

So as you think about how to scope the next work, I'd like to keep it in the construct of the EPDP, just consider it Phase 3, and that way you ensure that you've got GAC participation, ALAC participation, and SSAC participation. So that's kind of my thinking on that.

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MARIE PATTULLO: Thank you. One thing, completely got that. Thank you very much. The other thing though, it does seem pretty clear now that accuracy will not be part of that. The accuracy is going to be a different work stream. Marika even put in the chat, in the small team we just had, that it was agreed that accuracy is no longer within the EPDP.

MARGIE MILAM: Yeah, that's unfortunate. But if that's what the Council has already agreed on, then I guess that's probably not much we can fight on. But we can certainly keep the other issues in what we consider in, what we consider to be Phase 3. At least, that's the approach I would suggest.

MARIE PATTULLO: Thanks so much. I'll keep pushing, and of course, I will keep you updated. Thanks, Margie.

STEVE DELBIANCO: So Margie, you and Mark and Alex should help to educate your colleagues on where we are on the EPDP Phase 2 report, and mostly, let's just confirm with our BC members where you're leaning in terms of recommendations we cannot live with, but more importantly, where we are leaning at having a consensus call decision on the full Phase 2 report and the implications that has for the report as well as for Council.

MARGIE MILAM: Do you want me to go ahead?



STEVE DELBIANCO: Please.

MARGIE MILAM: Sure. Yeah, thanks for the question. And just so our BC colleagues understand, we're now in the very, very final phases. We have a draft report. We're in a quiet period after a week of extensive negotiations last week where I think one call went four hours long. So it's been very, very, very frustrating. And as we reported on the last call, we're leaning towards dissenting from the overall report because it has very large gaps that I don't see that we'll be able to close over the next week. At this point, everyone's in this quiet reading period and then we're going to be asked what we think about the report in about a week or so.

So in terms of the issues that we've identified as ones we can't live with, I think one of the fundamental questions is related to compliance and whether or not compliance will actually be able to enforce the provisions of the new policy should it be adopted. We've heard from ICANN Compliance that they will not question a contracted party's decision, which makes it very difficult for us if we're in a situation where we see continued rejections that are simply unfounded. We've got colleagues from our other constituencies and stakeholder groups that are concerned about it. The GAC, in particular, is worried about systemic abuse and to ensure that there's some remedy for it. But that's one of the main areas that I think we have some issues with.

It looks like there was a little bit of progress on that point over the last draft by inserting some areas where ICANN Compliance might be able to

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step in. But it's in a footnote in an implementation guidance portion and we're likely to ask for it to be included as a policy recommendation and expanded to give ICANN Compliance more authority.

Another area where we're really concerned about, and this is what you heard about in the ICANN 68 discussions, is this mechanism for evolution. And essentially, where we got here was that originally we were talking about a centralized model, if you remember the UAM over a year ago, and we shifted to this hybrid model because we hadn't received any response from, or ICANN hadn't received any response from the Data Protection Board. But our acceptance of the concept of a hybrid was with the understanding that it could move to centralized decision making when there was developments in the legal areas such as guidance from the Data Protection Board or maybe a binding case law or maybe even additional regulatory measures that would clarify some of the issues.

And right now, we simply don't have that. We have a mechanism for evolution that has been negotiated and one of the concepts that we want to see in there and we're going to ask for is that the decision to centralize some of the issues that, as a lot evolves, should be one of the things that are included in that mechanism. Right now, there's a concept that automation could be in there but it's not clear what automation means at this point, whether it's just processing versus actual decision making. And so that's an area for us.

And just so you understand there's very little that's being automated in the version that we're seeing, a little bit of law enforcement in jurisdiction requests. If you're asking for a city field, if a DPA is asking for

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a data subject and then the last category is if the record involves a legal entity's information that's already been disclosed. And that's it. There's no automation for clear-cut domain matching for trademarks. There's no automation for clear-cut cases of phishing.

And so without this notion that the evolution could move to address some of these issues, we just don't see that the system is going to be very efficient or workable for us. And so that's an area of concern.

And then the other area is the legal natural person distinction. Right now there is the notion that as the contracted parties go through the evaluation of a particular request, that if the information does not include information of a natural person, that they must disclose the data. But the problem is that it's in the contracted party's discretion. And so if that language remains, that essentially means that ICANN Compliance is not likely to be able to enforce that. So even in a record where there's nothing that even touches GDPR, we would still have no ability to ensure that that information would be disclosed.

So those are kind of the highlights. We have this week to really identify those issues and to agree on behalf of the BC as to whether or not we will support or dissent from the final report.

STEVE DELBIANCO:

I've indicated in the chat that based on the conversation we all had last night, our current position, and this is the key is to make sure the BC members understand that we will probably vote no unless something dramatic changes, the BC members and it looks like the IPC and the ALAC would vote no. So this is a great time for BC members, if they have

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concerns and/or objections to that, to probe because between now and that vote decision, we aren't having another BC call.

Great time for BC members to raise your hand. Mark Svancarek, your hand is up and anyone else who has questions or objections to us voting no. Mark?

MARK SVANCAREK:

Not an objection, of course. Margie, as usual, did a great job of explaining everything. I just wanted to add one remaining issue that's missing from the report and that's centralization. So the concept of centralization has pretty much been removed from the report and that's the idea that things can happen in the gateway that ICANN or their contract, their vendor, could perform some of these decisions for the contracted parties and all of that concept has been removed so it's not just the automation. It's the idea that the contracted parties could hand off some of these responsibilities to ICANN or some other gateway manager. That's [ultimate] removed and I think you can see how useful that would be in terms of transparency and consistency. Thanks.

STEVE DELBIANCO:

Thanks, Mark. Barbara?

BARBARA WANNER:

Thank you. Can you hear me okay?

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STEVE DELBIANCO: Yes.

BARBARA WANNER: Great. I have a question going to actually what Marie has in the chat. We had Laureen Kapin speak to USAID members last week, I guess it was, and I asked her what if there are dissenting votes from BC, IPC, the GAC, SSAC, ALAC, etc. but there is still a majority of the GNSO that supports the framework, what would happen? She said it would still go to the Board but then it would be up to the Board to decide, to reflect on the fact that it was not a sizable majority consensus, that there were some significant dissenting opinions and then kind of the ball is in their court. So I just wanted to confirm that I understood that correctly and how we could then expect the Board to react.

STEVE DELBIANCO: Barbara, there's an intermediate stop. If it emerges from the EPDP, it goes to Council. [Inaudible]

BARBARA WANNER: Right. Yeah. So it goes to Council and if there was a majority Council vote in favor of it, but significant dissent, she felt that the Board would feel obliged to reflect on that. Yes? No?

STEVE DELBIANCO: Maybe.

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BARBARA WANNER:                   Okay.

STEVE DELBIANCO:                If it comes over with a supermajority, all of the contract parties and a majority of the non-contract party house, it would be no different than Phase 1. And the Board in Phase 1 did come back and said two or three items needed further work and weren't entirely clear. So they may pick and choose a few items off. It's entirely possible, Barbara. I hope you're right.

Mark, Margie, Alex, anyone else have further items on this? This is sort of last call for BC membership. If you're not comfortable with the direction we are heading, this is the time to say. I see Alex's hand up. Go ahead.

ALEX DEACON:                    I'll just raise one point here, which is I think important to note that Margie and Mark have been asked to outline their "can't live withs" on each of the recommendations individually by this Friday and I think Margie summarized the major issues that we have. But ultimately, the consensus call in the EPDP team will be on the report as a whole. I think if you kind of look at it as a whole, with all of these recommendations really being very tightly intermingled and intertwined and interrelated, it's pretty clear to me that the policy as currently written is just really not sufficient to deliver what I think we need as users of the WHOIS or future RDS system. And so I think it's important when thinking about how this plays out, to think about the usefulness of the system as currently defined in the policy. And it's just really difficult for me

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personally to kind of see that we would end up after implementation phase, development phase, deployment phase, integration phase with all 2,000 registrars, to see that we would actually end up with something that would be useful and helpful to the work that BC members do. So I just wanted to give that perspective. Thanks.

STEVE DELBIANCO:

Thank you Alex. Appreciate that. Alex, Mark, and Margie, you've done an amazing job on this. I know we have another prep call coming up tomorrow morning. We'll inform BC members on our current list of "cant' live with" as soon as we get that draft polished up, by tomorrow night.

All right, Barbara Wanner, let me move it over to you on Channel 3 for CSG. Thanks Barbara.

BARBARA WANNER:

Okay. Excuse me. Really, the only thing that I want to bring to everybody's attention is the attached e-mail that Steve included that is actually the IPC's draft reply concerning the NomCom changes that we have proposed revisions to the bylaws which we have a real problem with.

I don't think... I think what Heather has proposed is something that we could certainly support, but I leave that to the experts. I think she... I think the IPC's plan is to submit that independently, so I think the BC would also want to do so independently. My impression is, and I can confirm that with the CSG, that the CSG ExComm maybe feels that we

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want quantity rather than sort of one CSG letter of opposition. So in other words, three letters of opposition rather than just one. So there you have it.

STEVE DELBIANCO: Why not four? Barbara, why not four? IPC, BC, ISP, and the CSG. Let's get them all.

BARBARA WANNER: Okay. I need text from the BC then and I can share that with the CSG ExComm and say, "Can we couple together a unified CSG response, of course, allowing ISPCP to weigh in too?" So as I said, I know we have experts on the BC that have done further work on this and that would be, I think, better suited to providing a draft on this from the BC.

STEVE DELBIANCO: Barbara, I'll send text similar to what I'm highlighting on the screen and I'll send it again to [Zahed], Jay Sadowski, all the other members of the BC that have in the past served on the NomCom and hope that they can add a little color. Lawrence, you're involved in that too. So look for something from me later today because we need to polish up the text for this as soon as we can. Agreed, Barbara?

BARBARA WANNER: Sounds good. Once I have something from the BC, I think we're in a stronger position to oppose to all three constituencies that we meld all of our responses together.



STEVE DELBIANCO: We are a tiny minority on this one and it will be very difficult to prevail.

BARBARA WANNER: Okay. And that's it for my report. That's really the item that I wanted to bring to everybody's attention.

STEVE DELBIANCO: But we do have a small group call later on today on a handful of topics on the 8<sup>th</sup> of July, right? So is that on everybody's calendar at this point?

BARBARA WANNER: It's on my calendar. You mean with... Yes, with Becky and Matthew, the CSG call with Becky and Matthew.

STEVE DELBIANCO: Yeah, Becky and Matthew call is today at 21:00 UTC.

BARBARA WANNER: Right.

STEVE DELBIANCO: And if Barbara has teed up in a section of this report, I'll slide it to the top of the screen here, is that we are going to be expected to have a dialogue with our two Board members on these important issues.

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Chantelle, you circulated yesterday a reminder in the agenda for today's call. It'd be great to get a good BC member turnout. This is the same session we hold in physical ICANN meetings where we all gather in a room and the CSG and pepper Becky Burr and Matthew Shears with lots of tough questions. This should be no different even though it's virtual. Great, thank you. Barbara, anything further?

BARBARA WANNER:

No. Those are the two priority items. Yeah, we have still no word from the NCSG concerning [inaudible] nomination. So they continue to keep us in suspense.

STEVE DELBIANCO:

Oh brother. But at least the contract parties are not going to put somebody forward, so it's going to be [Felipe].

Okay, thanks Barbara. Back to you, Claudia.

CLAUDIA SELLI:

Thank you so much, Steve. And really, I just had the same update than Marie shared concerning the ICANN plan for returning to hybrid model or, in any case, physical meetings. So apart from the GNSO, comments are also being collected from the various constituencies. So if there is anything, I think that we can channel the comments that, Marie, you will be receiving also in different ways through the GNSO but also through the CEO—sorry, the constituency leader. And that's all that I have. Jimson, it's back to you for the operation and finance report please.

JIMSON OLUFUYE:

Hi, everyone. Yes, really thanks to all the heavyweight pushers for the EPDP and the processes so far. Thank you all. On finance and operations, not much to report today but to say that yes, we are about 60%, close to 60% compliance in regard to members' dues payments, so thank you very much for those members that paid their dues. And I would like to have those who have yet to pay to take a look perhaps at your mail and check. If you did not see any mail from invoicing, please do get back to me. That way we can have a process of settlement of the dues.

And secondly, in regard to operations, the last busy close meeting, I did mention that there has been a change in legal counsel or general counsel. We have a new general counsel who is [Mary Laney], [Ignatius] [Bis] and [DC] as well. And the transition process is ongoing. We hope it will be concluded by the end of this month.

So I [inaudible] just all about the operation so far and financial updates. Thank you very much.

CLAUDIA SELLI:

Thank you, Jimson. Are there any questions or any other points that members would like to raise? No. I don't see anything, so with that, I think...

MASON COLE:

Claudia, my hand is up.

CLAUDIA SELLI: Apologies. I didn't see the hand. Please go ahead.

MASON COLE: Hi, Claudia. Can you hear me?

CLAUDIA SELLI: Please, absolutely. Go ahead, Mason.

MASON COLE: Thank you. I just wanted to raise another issue with the Business Constituency. Many of you know that I've been active on the issue of DNS abuse and we had a session at ICANN 68 on DNS abuse, a plenary session where we discussed the issue with contracted parties and ICANN Org. And I think pretty much everyone is.. I'm hearing some background on the call here. Okay.

CLAUDIA SELLI: Can everybody mute themselves please if you're not speaking?

MASON COLE: So I continue to be concerned about the issue of DNS abuse and you'll recall that we sent a letter to the Board late last year and got a reply from Maarten Botterman that was not very satisfactory. And I'm concerned that if we don't persist on the issue of DNS abuse, that ICANN Org will continue to ignore it. And we've got an opportunity, I

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think, to enlist others in our appeal to the Board to do something about DNS abuse. So what I would like to do is compose another communication to the Board and enlist the help of the GAC, of ALAC, possibly the SSAC as well to try to get the issue of DNS abuse finally addressed.

So I wanted to raise this to the BC just so that nobody's surprised when I send out a draft of this because I plan to do so very soon. And I'd appreciate the BC's feedback on it when I do send that out.

STEVE DELBIANCO:

From what we heard at ICANN 68, the contract parties as well as ICANN Org are quick to dismiss DNS abuse as lacking the data and that when they're told that there's abuse, they go to investigate it and they don't find it. So let's anticipate that. I know you always do. Let's anticipate that and make sure we load up whatever we write with data that can't be so easily dismissed.

MASON COLE:

Appreciate that, Steve. That would be great. Thanks, Claudia. I think that's it from me.

CLAUDIA SELLI:

Thanks to you, Mason. Any other items or questions? Okay. I might not see if hands are up, but I don't think there is anything else. With that, we can adjourn the meeting and our next call is going to be on the 22<sup>nd</sup> of July. Please don't forget the meeting later on with the Board

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members at 21:00 UTC. We'll see you there. Thank you very much, everybody, for participating in today's call.

[END OF TRANSCRIPTION]