

ICANN

**Moderator: Gisella Gruber-White
September 19 2012
11:15 am CT**

Benedetta Rossi: Good afternoon and good evening. This is the BC Candidate call for the BC GNSO Council Election 2012 taking place on the 19th of September 2012.

On the call today we have Marilyn Cade, Glen DeSaintgery, Benedetta Rossi, John Berard, Angie Graves, (unintelligible), Aisha Hassan, Chris Chaplow, Elisa Cooper and Mark Sloan. We don't have any apologies for today. Steve DelBianco should be joining us shortly.

As the voting officer, I will announce the names of the nominees and I advise that both the nominators and the nominees qualify according to the BC charter rules as paid up members of the BC.

Only one nomination for the open position for GNSO councilor was received. The formal nomination was received under the BC votes e-mail address and was acknowledged by the voting officer.

The candidate was contacted and accepting the nomination. Today's call will allow a discussion with the candidate. The GNSO secretary Glen DeSaintgery

will act verifying officer and moderator for this call and will conduct the interaction with the candidate. The call is recorded and transcribed.

The nomination is the following: standing in for GNSO Councilor for the BC John Berard. The candidate will be allocated time for questions. No questions for the candidate were received prior to the call.

BC members participating on the call may submit questions to the candidate directly. The candidate may choose to respond on the call or in writing through the BC GNSO list.

As a reminder this call will be limited to one hour. Ballots for the election will be sent today September 19, 2012. Voting will open tomorrow Thursday September 20, 2012. Only paid up members and primary contacts will receive a ballot unless advised formally by the voting officer as an alternate voter prior to the opening of the vote. Any proxy assignments are needed by today close of business.

Please note as a reminder that voting closes on Wednesday the 26 of September 2012. Counting on votes and checks from the verifying officer will take place on the 27 of September 2012. The results of the elections will be announced on or by Friday the 28th of September 2012.

I will now turn the call over to Glen as verifying officer to introduce any questions. Thank you very much and over to you Glen.

Glen DeSaintgery: Thank you very much Benedetta and welcome to everybody on the call. Congratulations to you John.

Now I would like to ask -- thank you-- now I would like to ask whether there are any questions from the participants on the call or any topics that you would like John to comment on. May I ask you please to say your name before speaking?

Marilyn Cade: It's Marilyn Cade. Might I ask -- I do have some questions and I'm sure others will -- but might I ask first if we could ask the candidate to make a short statement for all of us about why he's interested in being a councilor, his views about priorities and covering issues like areas of conflict of interest, et cetera perhaps in a short discussion and then I would have some discussions.

Glen DeSaintgery: Thank you Marilyn. Would you please do that John?

John Berard: Sure not a problem Glen. Good morning everyone or at least through my window good morning.

The reason that I am standing again is to continue to do the work that was begun in 2010 when I took my seat at a meeting in Cartagena. I think the two hallmarks of the two years in my mind are an attempt to create a fact-based decision regime inside the council so as to try and squeeze out some of the emotional and legacy-based decision making and also to truly act as a GNSO councilor from the BC as a member of the executive committee.

I wanted to make sure that there was a strong and a consistent line between what the BC things and how it is represented at the council level. And I also felt that if we could jump beyond those it would be that our view of a more - as issues affect ICANN on a cross-constituency basis that there would be a voice of the BC involved in thinking through solutions to those problems -- architecting solutions such as the cross-community working group or the consumer metrics working group on which I was the council liaison.

So I'd have to say that my interests and my actions over my first term were reflective of my interest in getting involved in the first place which was bringing more of the voice of business to the proceedings, to do that by creating rules because as businesses it's important for us to know what the rules are so we can make proper investment decisions to inject a fact-based regime to the decision making to make sure that there's a tight relationship between what is said within the business constituency and what is said by the business constituency inside the council and to look forward to having a hand in creating a cross constituency across ICANN, solutions that will increasingly be demanded.

In terms of my portfolio, there's probably less of a connection to my client portfolio to the day-to-day business of ICANN today than there was two years ago. Two years ago not only was I doing some work for Momentous which as you know is an Internet holding company with registrars and secondary businesses and online video businesses and now a new gTLD applicant for four new gTLDs but I was also doing some work for Neustar.

My portfolio has migrated now to where it's primarily half built on my privacy credential, working for companies like Data Guidance which is a London-based subscription service for data protection and privacy laws and regulations and with companies like Visa and T-Mobile who are asking my advice on how their new product development aligns or does not, if the public and government expectation of a commitment to privacy and the other half are focused on the Internet as a business platform, working with companies like Expedia and Start App which is a New York mobile application software company.

It's a fairly broad based set of companies but the areas of focus are as I said in data protection privacy and the Internet as a business platform. My role at ICANN gives me the opportunity to see a bit beyond the horizon with regard to the Internet as a business platform which certainly helps inform my consulting practice in that regard.

But in terms of strict conflict at this point the only company that I am working with that has a contract interest with ICANN would be Momentous.

Marilyn Cade: Thank you John.

Glen DeSaintgery: Thank you John. Marilyn have you a question for John?

Marilyn Cade: Let me -- since I asked that first question -- let me give you the opportunity to ask others to give you questions first and then I'll go back in the queue.

Glen DeSaintgery: Thank you Marilyn. Is there anybody else who would like to ask John a question?

Chris Chaplow: Chris here. Can I ask a question Glen please?

Glen DeSaintgery: Yes please Chris, over to you.

Chris Chaplow: Hi John good to hear from you. We've missed you here in Washington over the last couple of days.

Like myself you're running a small business and the workload of being a councilor must be very difficult to combine that with the role of a small business when you've got clients hounding you all the time if you're in the same position I am and I'm sure you are. I wonder if you've got a comment

about how you found the workload on your first year as councilor compared to your second year, whether you saw any differences or trends or whether it got easier or worse for year and how you see that rolling forward to the next year? Thank you.

John Berard: Sure, sure Chris.

I think for me personally the reason that this works is that I'm bad businessman. I spend my time doing things I'm interested in more than those things that might be more profitable. And for some perverse reason I find this quite interesting.

Setting aside the modest joke, you're right the days are long. I mean this is the third conference call I've had this morning and I will not be home till late tonight because I'm with a client down on (Samhill) Road trading for a BC investment this afternoon and evening.

But my business is insight and guidance and so while I do have a spend a fair bit of time in front of a computer most of what my clients ask me to do is to help them understand how their actions will be met in the light of day. And an essential part of that is to be out and about and a central part of that are the conversations I have at meetings.

So for example there's before I head to Toronto on the 13th -- well on the 12th -- I'll be attending a privacy conference in San Jose. There are e-commerce meetings that I'll be attending; I just came back from Seattle. So I do a fair bit of traveling but I've been able to integrate my work life on the council into my work in a way that allows me to manage it.

I would have to say the difference between the first year on the council and the second year was the first year I was - I felt a little bit like a kid at a high school dance sitting against the wall, trying to figure out what was going on. Even though the issues were not foreign to me, the interaction of personalities was something I needed to spend some time making sure I had a sense of.

But I would have to say for the last 12, 18 months thanks in part from the incredible support from the volunteers from the business constituency, we've had an opportunity or I've had an opportunity to be the voice of those interests. I think the work on the consumer metrics working group was probably the highlight. I'd like to think that the cross-community working group stuff is going to become the highlight.

I will admit when we were driving on the consumer metrics work to closure and meetings were taking place once a week, I did not make every meeting because it's hard to schedule that much time but in the normal course of business I felt like quite comfortable in being able to handle the load in a way that represented the interests of the constituency.

Chris Chaplow: Yes thanks John.

John Berard: I also have an excellent sense of humor so I try not to take myself too seriously.

Chris Chaplow: You made us laugh here in Washington.

Glen DeSaintgery: Thank you John, thank you Chris. Are there other questions?

Elisa Cooper: This is Elisa Cooper I have a question.

Glen DeSaintgery: Yes please Elisa go ahead.

Elisa Cooper: John maybe you can talk a little bit about how you might be able to sort of improve some of the tone of the council. Sometimes in those meetings it seems like things can get pretty heated and there's a lot of different perspectives out there. Do you have any ideas for you might kind of improve that tone?

John Berard: Well it's certainly something I spend a lot of time thinking about Elisa and I think in a couple of the groups I've had some influence. When the council is getting a little agitated by the pressure exerted by the board and the letter from the NGOs and the point of view of the GAC with regard to the IOC and the Red Cross, I think I was able to bring the volume and temperature down a bit by getting the council to focus on what the agreed to processes were.

I'm not historically a process person but I do appreciate their value in helping organizations that include people with different points of view to get through a problem without slitting each other's throats. And so by being able to get the council to focus on a communiqué back to the board about what the council thought, why we thought it and then to offer some advice to the board so that it might ultimately get what it wanted, I think I was able to instigate as I said lowering the temperature and releasing the rhetoric.

So I constantly am trying to find those opportunities where what's real can have an airing and not just what individuals want. I've also tried to build relationships around the table even though I mean I think my previous relationship at conferences and such with Wendy before I got to the council was very helpful in giving me standing if not influence on the NCUC side of things. I tried to be an ally or a friend to people like Joy and to Bill even though Bill and I got into that big dustup over outreach.

So in that instance I felt that I must have done a good job because Bill and I are still talking even though he thinks that I was way off base in carrying the BC's position forward on the notion of outreach.

So I think then when I first got on the council people like Adrian Kinderis, Jeff Neuman were people that I knew and so it made it easier to participate, to showcase the BC's point of view without having to worry about whether people would take me seriously.

So I think that I wouldn't say that I would describe myself as a contentious builder but I'm certainly a fan of it and I will continue to do what I can to help bring the facts to the front and get proper decisions made that can get the kind of support they need and stand the test of time.

Elisa Cooper: Thanks John.

Glen DeSaintgery: Thanks John, thanks Elisa. Is there anybody else who would like to ask a question?

Angie Graves: This is Angie Graves I have a question.

Glen DeSaintgery: Thank you Angie. Please go ahead.

Angie Graves: Yes John you did in your introduction statement you mentioned you touched on priorities, I was wondering if you could go a little bit more at length at what you see as the current priorities.

John Berard: It's I mean, the current priorities. The current priorities are to make sure that ICANN does not drown in the new gTLD program. The current priorities are

to make sure that the concerns of the business constituency with regard to not just that program but to the even more basic requirements of SSR are maintained.

I've taken a particular interest in Whois. Some days I feel that I'm like Don Quixote or maybe Sancho Panza but I do think I do think it is a window worth looking at and I do think there is - we should be very supportive of any attempt to layer on verifications in Whois.

Now that said I am keenly sensitive to the concerns, of the privacy concerns that some of my colleagues from the NCUC have expressed but I do think that there are ways around it. I'm a believer that technology is not just inevitable but it also can be effective. There is no reason why Whois cannot be accurate as long as we are diligent of that authentication.

One of the reasons why databases are not accurate is because people who participate in them are concerned about who might have access to it. And so authentication and accuracy in my mind go hand and glove.

So those are some of things Angie that I think are important going forward. I know that Internet governance issues are going to dominate, going to increase in the discussion but I suspect that that is not something will fall first to the GNSO council but will be more of a subject across the board.

Angie Graves: Thank you.

Glen DeSaintgery: Thank you very much John.

((Crosstalk))

Glen DeSaintgery: Yes Marilyn?

Marilyn Cade: I'll put myself back in the queue for a follow up but let me pause first of all to make sure I wasn't interrupting anyone else.

Glen DeSaintgery: Please go ahead Marilyn.

Marilyn Cade: Thank you. John I want to open my comments -- Marilyn Cade speaking -- I want to open my comments by congratulating you and thanking you for the contributions that not only your work but also for the fact that you take your responsibilities to communicate with the constituency very seriously and very often highlight and forward information that members would probably - they would miss if it wasn't called to their attention by you emails. So I really want to thank you for that. Not only is it I think exemplary, it is in your job description but you even do better than what our requests and expectations are.

And before I stop lobbying you I want to also thank you for your efforts. You bring a seasoned, mature tone into an environment where people may get heated over differences of opinion and I think you handle that very well, but I wanted to highlight another problem I see in the council and not to ask you to own totally fixing it but just to raise it as a topic of discussion.

The councilors, not all but several, engage in acerbic exchanges with each other that are based on particular perhaps nationally fixated forms of humor or almost sort of - they may be somewhat critical or confrontational statements made as though they're jokes. I'm not talking about the heated disagreements, I'm talking about the acerbic nature of some of the changes.

And here's why I'm concerned and want to ask you thoughts about this: in a global ICANN as opposed to an international ICANN, in a global ICANN that form of communication is offensive or threatening to many people from other cultures or easily misunderstood. And I wonder if you have thoughts about how the tone of the mutual respect and the tone can be improved in the council so that it -- and how it's professionalism -- can be improved?

John Berard: So I'd start by saying that I understand your point. It is very difficult for - let's see, unless you are engaged internationally in the normal course of your day, that problem will likely pop up more often. So if you spend your entire - if you work in France, if you work Germany, if you work in the United States, if you work in Uruguay your approach is going to be based upon the interaction you have with your countrymen.

And when you step outside into the international environment it's not always easy to appreciate that up might be down, down might up and it's better not to say something that pops in your head then to just blurt it out.

Sarcasm in the United States for example I guess would be an example of those kinds of things. There are things that are said sarcastically that I'm not going to have any problem with because I understand where they're coming from but some of my non-U.S. colleagues do get their nose out of joint.

And I don't know the answer to that question except over time I've come to believe that people will act as you treat them. And so if you set an example and I can't say that I do set an example because there are some wicked things that pass through my head and I don't always catch them before they get out, but it begins with setting a proper model for those kinds of things.

You know, it could be that one of the things that we should do is - I mean there are models of behavior I think that are embedded in the bylaws, maybe when the new council is seated, at the end of every annual meeting there ought to be some rereading of that or some recommitment to it just to remind people that we are not all the same and that we've got to find a way for all of us to treat each other with a little bit more respect.

I don't think that there's any disrespect. I do think there is occasion for people's ideas to be dismissed whether it's a business person who dismisses an academic or an NGO executive who dismisses a business executive, that does happen and I don't think it can be changed except by constant reminder and the presence of a proper role model.

Believe me I'm not suggesting that I'm a proper role model but I am certainly sensitive to the problem because I think one of the most pernicious bits of all this is sarcasm as found commonly in the United States and I'm certainly guilty of that.

Marilyn Cade: Thank you John.

Glen DeSaintgery: Thank you very much John, thank you Marilyn for your question.

Would anybody else like to ask a question?

(Ron): This is (Ron), apologies for arriving late to the call.

Glen DeSaintgery: Welcome (Ron).

(Ron): Thanks very much Glen. This question may have been asked already and apologies if I'm asking it twice, but John I'm aware that you wear a number of

different hats and I'm just wondering if you might explain what the different hats are from a professional point of view, meaning places where you are receiving compensation, if you could share those with the group.

John Berard: Sure (Ron). We did in fact some of this earlier but it is the most important subject so therefore it bears repeating.

I have a small portfolio of client companies. I think in the four years now that I've operated my own consultancy I've probably touched about 35 or 36 different companies and generally am working with between six and eight at any one time. In the candidate statement that I sent prior to this call I think I listed the current portfolio.

Eight sounds like a lot for one person; the fact is that it really falls into different kinds of categories. One is data protection and privacy and the other is the Internet as a business platform.

Among those that fall into the Internet as a business platform the only current client I have that has a commercial or contract interest in ICANN would be Momentous which is the Ottawa-based Internet holding company as registrars and back order businesses as well its movie rental and (unintelligible) of the application units. There are four gTLD applications that Momentous is underwriting, one of which as you know the (Dot Sox), the gTLD is one that I am serving as spokesperson for.

Anyway in terms of the raw numbers it's one in eight, in terms of the revenue it's probably 15%, in terms of my share a lot of what I do for companies that aren't paying attention to ICANN is to give them insight as to why I think they should be and so it's a little bit the value of my participation and my role at ICANN reaches far beyond just the work that I do for Momentous.

I met with lawyers from Visa for example to discuss the got Visa. I've talked to a number of other companies about whether or not they should or should not participate and why they should or should not participate in the new gTLD program.

So I would say that yes if you peel it all back I do have some commercial interests that overlaps with the ICANN's activities but the primary focus of my portfolio is far broader than that and I need to for my own sake - the balance that I need to bring to that consulting work for that portfolio of companies I think is evidence of a check on any behavior that might be too commercially interested in my work as a councilor.

(Ron): Thank you John.

Glen DeSaintgery: Thank you very much John. Thank you (Ron) for your question.

Would anybody else like to ask a question? We have about 20 minutes left on this call.

John Berard: You know the sign of a good meeting of course is don't make it drag on longer than it needs to. I'm quite happy to answer any questions that you have either now on the call or online. I will say that the council has been - it has given me more of a charge than even I had thought it might. I thoroughly enjoy the meetings. I thoroughly enjoy the conference calls.

Many of you recall that I didn't get to the (unintelligible) meeting but I made sure that I was on the phone for all of the sessions that met 2 am to 3 o'clock to 2 o'clock in the afternoon here in San Francisco. I participated fully remotely even from that distance.

I offer that up as evidence of my commitment and I do think that over the next two years the issues that are going to be confronting ICANN in general and the council specifically will be even more intricate and important and it would be satisfying to think that I could help the BC have a hand in unraveling them and solving others.

Glen DeSaintgery: Thank you John. Would anyone like to comment after that?

(Ron): This is (Ron) if I may get in the queue.

Glen DeSaintgery: Please (Ron) do.

(Ron): John I appreciate your comments now and the work you've done. And in fact that is one of the reasons I was very happy to hear that you were willing to re-up for another round. I think that you've served the BC well and we appreciate that.

We've not always had councilors who've been very diligent about the role and the work and reporting back to the BC and being part of the BC. They've taken this position on and assumed that they had a right now to take decisions on behalf of the BC or not show up to BC calls and so forth because they were councilors and they didn't need to anymore. So you've always taken input from us and worked with that input and I appreciate that.

I do want to just underscore though the important of maintaining those Chinese walls between the activities that you have on your table. As I understand it you're a spokesperson for the (Dot Sox) at this stage and for my part I'm fine with that. But if and when that should change or increase then I would hope that you would be very forthcoming to the BC so we may have to

make some modifications in your role as a result of that clearly because of conflicts of interest is such an important element now as has been highlighted since our chairman made his move not too long ago.

So I just wanted to again two points: one, just say thank you for your diligence; and two, please keep us well informed as things progress with other activities. Thank you.

John Berard: Not a problem (Ron). In fact with the revision to the Web site the statements of interest are now more easily accessible and because of the process by which the council meetings are held any material change needs to be made before each meeting so every four or five or six weeks there is a moment to stop and think do I need to change my statement of interest.

So I try to be diligent or have been diligent about doing that. I've modified it I think twice in the two years that I've served on the council and I will continue to keep that as current as it needs to be.

Glen DeSaintgery: Thank you John. Would anybody else like to comment or ask a question?

Hearing no more comments or no more questions may I thank you very much John for being available for this call...

John Berard: My pleasure Glen.

Glen DeSaintgery: ...and for your very frank and honest answers and thank you all very much for having confidence in me to run the call. And with that may we close the call if you are all in agreement?

Hearing no disagreement the call is closed. Thank you.

John Berard: I'll see you guys all soon.

Marilyn Cade: Thank you John and let me thank you Glen -- it's Marilyn -- let me thank you for agreeing to play this role for us and also to thank you, I know we have a number of members on the call might not know of Glen's role I'll just explain it briefly.

Bene mentioned it but Glen serves as returning officer so she is actually responsible for validating the election results not only for our councilor elections but also for our officer elections. And it's an additional burden of work we've put on her but you've always been very gracious Glen to help us with this and it helps us have the kind of profession administrative support backing up our secretariat since we do the returning officer additional support.

So let us thank you for supporting Benedetta as the votes officer in this case and for supporting us.

Glen DeSaintgery: Thank you Marilyn. That's (unintelligible).

Marilyn Cade: Thanks everyone. Bene can I take one minute for an announcement before we conclude the...? I would like you to stop the transcript though because the transcript will be about the candidate call.

Benedetta Rossi: Yes of course Marilyn. (Tanya) can you please stop the recording now?

END