

ICANN

**Moderator: Gisella Gruber-White
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10:00 am CT**

Woman: Thank you very much (Tonya). Good morning. Good afternoon. Good evening. This is the BC call taking place on the 14th of January, 2013.

On the call today we have Lanre Ajayi, (unintelligible), Lynn Goodendorf, Elisa Cooper, Chris Chaplow, John Berard, Marilyn Cade, Ron Andruff, Angie Graves, Steve DelBianco, Bill Smith, (unintelligible), Jim Baskin, Philip Corwin and (Patrick Ryan). And Mark Sloan has just joined. And we have apologies from Zahid Jamil and Aisha Hassan.

Thank you very much and over to you Marilyn.

Marilyn Cade: We'll get started because we have a very, very full agenda. I want to thank all of you for joining us and to wish you a Happy New Year since this is our first formal call in the New Year.

Today's call is going to be dominated by some work that the BC is doing on an issue of great importance to us and that is improvements to the - going to first of all just review the agenda making the essential changes to it and then turn to Steve DelBianco who will first of all address the content on our straw

man comments. And then move to the council agenda where some other topics are coming up and he and John Berard will lead us through that. And then we'll go through the rest of the agenda.

You will have the agenda in front of you. Is there anything that anyone wants to add under AOB to the agenda?

(Unintelligible) welcome to the call Mark Sloan, (unintelligible) and David Fares. And from time to time we'll be adding and updating other members who are joining the call.

Steve, may I turn to you please for our BC straw man comments, discussion and status?

Steve DelBianco: Thanks Marilyn. Welcome everyone and I appreciate the careful eyes that most of you gave to the draft comment circulated on January the 2nd. John Berard provided some edits. Ron Andruff provided a recommendation that has three or four questions. And then Sarah Deutsch and Elisa Cooper provided some edits.

Those were circulated last night. In the last 12 hours several of you came back with additional comments. Phil Corwin and Sarah Deutsch discussing whether we should mention URS. That's the Uniform Rapid Suspension Service. Sarah wanting us to take a harder line on the claims to processing inadequate - if it doesn't give a strong notice.

Jimson, I don't know if you're on the call, but you had some questions that we could address. Martin Sutton came back with a helpful suggestion to change the text from the word "blocking" to the word "reserving." I think that's a smart move. And then Gabriella, I don't know whether you're on the line, but

you had some edits you wanted to make to the first paragraph to make the pros a little bit more positive. That actually clashes with what Sarah/Ron Adruff had in mind, so we're going to have to reconcile that.

So I just did a quick summary of the kind of edits that have come in and I guess it's better late than ever, but you can all understand how tough it is to do last minute edits for comments that are due tomorrow. The good news that no one in the BC is objecting to the filing of the comments on the straw man and we're really just fine-tuning the one of what we're saying in ways that I'm positive that we'll be able to get consensus on.

Now Marilyn, let me ask you about the timing of this call. How much time can we dedicate to giving members a chance to weigh in on the comments this morning?

Marilyn Cade: Well Steve, we've prioritized this as our top priority. We can update people in written form on some of the later elements. So I think we should really focus - the straw man proposal - the straw man solution is a high priority to us.

But Steve, I would just like to take this opportunity -- it's Marilyn -- to remind members that we did ask and urge members to also think about filing individual comments. And there may be things that an individual really wants to see and it may be that you need to file that comment under your own name. Just because you've signed onto the BC comments does not mean that you don't have the right to file individual comments. You would just need to be clear about flexi-filing (unintelligible).

And I just don't see if you - as you go through this maybe we could identify if we can't put them into the unified comment they'll be a way to encourage members to file those comments separately.

Steve DelBianco: Yes I would encourage members to look at the current comment filed by General Electric and also one by Lego Brand. Those comments from a company include the kind of specific references to abuse of their customers through exploiting of their brand. And it's happened historically.

And I think it's very useful to provide ICANN with specific examples. Some of you who are in the Toronto ICANN meeting recall that when companies got up to the microphone and described the problems they've had protecting their consumers and users, that really gets the attention of the board and management.

So if you take a look at the comment - public comment link that I provided you'll see that there's comments in there from General Electric and Lego that might serve as a good template for those companies on this call who could even propose a short letter that documents the kind of costs that you bear today to protect the consumers and users of your branded Web sites. And then extrapolate what that would be under several hundred new gTLDs.

So let me just address two issues that we can cover on this call. On all the comments that have come in I'm very comfortable incorporating them, but there are two questions for the membership on this call. The first is a matter of tone in the first paragraph. Do we want to insist that ICANN has been dismissive and at least previously disregarded our concerns? Or do we want to be more positive and accommodating and appreciative of the fact that Fadi seems to have opened the door for these implementation improvements?

And Gabriella, your view and Sarah Deutsche's view on this are opposite ends of the extreme. The current language in the document I would say is relatively harsh from the BC. Things like saying that ICANN has shown insufficient

concern for these negative externalities that would result from a significant expansion in words like, "ICANN has not adequately addressed brand and consumer protection concerns raised by businesses and governments."

Also dealing with membership on whether we should soften that tone.

David Fares: This is David Steve. David Fares, (News Corp). Can't we kind of bridge the gap here and simply state that in the past many of our major concerns have not been taken on board. But appreciate the straw man, however it doesn't go far enough and therefore we're providing our comments to both to the straw man, to - we're submitting comments to both to the straw man in a way that would address the concerns that had previously been ignored.

But I can't...

Steve DelBianco: David, how does this grab you, "This is why the BC generally supports the straw man as an incremental improvement in RPM implementation, but with reservations and recommendations?" And below we respond to specific elements in the straw man making suggestions for further refinements that are necessary to mitigate the significant costs and risks of (unintelligible) of registration.

That sounds like...

Gabriella Schitteck: This is Gabi.

Steve DelBianco: David - real quick Gabi. David, that's what's in the draft right now. Is that close to what you were getting at?

David Fares: Yes, but I don't think it would be inappropriate for us to say something up front that, you know, basically historical that we had been frustrated previously because many of our concerns hadn't been taken on board, the straw man.

And then, you know, the straw man has been a positive step in the right protection. And then proceed on with your sentence.

Steve DelBianco: I see. So past frustration, but present appreciation?

David Fares: Yes. I think - and that maybe that would bridge Sarah and Gabi's.

Steve DelBianco: Okay. Thank you David. Gabi, you're next.

Gabriella Schitteck: Yes just -- hello everyone -- just wanted to clarify that our view of - I don't think I'm completely opposed to Sarah's views, but I just wanted to give a chance to the new team in the sense that this is past and maybe the future will be different.

Also the difference may be because we are newer in this effort. So we can understand that many members are frustrated. And but if there's no improvement of course, everybody will be frustrated again. So as long as we're having a chance for improvement, I just wanted to give the new team a chance. But for the purpose of the comment. And but I think the proposal that just gave - your name? I'm sorry.

Man: David.

Gabriella Schitteck: David. Thank you. The proposals that David just mentioned are okay with us.

Steve DelBianco: Great Gabi. Appreciate that. Anyone else in the queue on the tone of the first paragraph?

Bill Smith: Yes this is Bill Smith.

Woman: Marilyn.

Bill Smith: If I could I would suggest that we insert the phrase "fraud and abuse" and tie customers in. "Fraud and abuse" is a phrase or two words that Fadi is using.

We had - the Whois review team alumni had a call with him and it seems to be something he is concerned about and so I would suggest we - that it actually is part of our concern here with our marks is that registrations - that there will be registrations that will occur either with an intent to or even unintended, but fraud and abuse where consumers are impacted.

And they're the source of our concerns. And so that we applaud the - in essence the new focus on those items.

Marilyn Cade: Steve, it's Marilyn.

Steve DelBianco: So "fraud and abuse" are a key phrase that Fadi has been using? Bill, is that right?

Bill Smith: That's correct.

Steve DelBianco: Okay. Marilyn, you're next.

Marilyn Cade: So I was at the introductory paragraph, so I need to take ownership of them. And let me explain what my concern is. I think adapting it in a way we're talking about works, but we have to remember we're not just writing for Fadi. We're - we have to provide the kind of information and justification -- I really like Bill's addition -- but we have to provide the justification for, one, improvements in the straw man solution are needed.

And we also need to remember that the straw man solution does not meet the expectations of the Business Constituency on improvements to RPN's. The straw man solution is itself a huge compromise on our part. So I'm all for showing a positive tone. I think I like all of that, but I think we also have to remember that the Business Constituency's significant concerns are here the straw man solution is (unintelligible), but it's still not going to give business everything that it needs.

Steve DelBianco: Thanks Marilyn. All right, I'll take that as sufficient to instructions from the membership and I'll make those edits to the opening three paragraphs.

The second question is one about - Sarah Deutsche raised this morning which is to talk about the Uniform Rapid Suspension in this letter. And Phil Corwin had a point of view where he weighed in later to say that we have an extensive position on the URS and we should do all or none on that.

Personally I don't believe we should mention the URS in responding to a straw man solution that specifically only looks at trademark claims and sunrise. And I think that the eight items that we all laid out in Toronto or the 12 items that the BC presented in January, all those items are still on the table. But the straw man only addresses sunrise and claims and to a limited extent the notion of reservation or blocking. So it lets us take a queue on whether we

expand this document to dive into URS or stay focused on the straw man solution. Take a queue.

Philip Corwin: Steve, this is Phil. I'd like to speak on that.

Steve DelBianco: Anyone else?

Marilyn Cade: Marilyn.

Steve DelBianco: Go ahead Phil.

Philip Corwin: Yes I have no strong feelings on whether or not the letter should address URS even though it's not in the straw man model because elements of the URS and the BC/IPC recommendations relate to the Trademark Clearinghouse which isn't a model.

And Fadi has said that URS is one of his two main items to go to next after the straw man. My only point was that if we're going to mention BC interest in URS implementation changes, we should attach our entire consensus positions reached with the IPC and not cherry pick and just mention one or two of the items.

Steve DelBianco: That's helpful. Marilyn?

Marilyn Cade: I possibly am saying something similar. I just think we can note our continued support to advancing the URS as a solution without going into detail on it.

And it probably (unintelligible) need to mention it Steve so that we don't find ourselves later somebody coming back and saying, "Well you haven't even raised it."

Steve DelBianco: Anyone else have a feeling on whether to mention URS? And if so, whether we mention one word of it or as Phil wants all of it - all of our position on URS?

Man: (Unintelligible).

Steve DelBianco: I'm sorry; I could not hear that clearly. I believe that was Jimson, but I could not hear it clearly. Would other members of the BC be able to hear that remark?

Woman: Not really.

Steve DelBianco: Okay. Don't have a good connection whoever was making that remark, so we're going to have to move on. Anyone else in the queue discuss whether to mention URS and if so how extensively?

Marilyn Cade: Steve, it's Marilyn. Maybe Jimson could send a quick email through to Benny or text and she could read it.

Steve DelBianco: So my dilemma here as the holder of the pen is that a casual reference or an important reference to the URS like in one sentence actually would not be in keeping with the wishes that Phil registered which is a more comprehensive look at URS.

It would be my preference that we not mention the URS because we are not mentioning any of the other things we're worried about such as validation of Whois data, holding applicants accountable for promises made as they answer objections, publicizing and communicating the plan. In other words all of the

things the BC has asked for are not part of this letter. It is only about sunrise and trademark claims.

Marilyn Cade: Steve, it's Marilyn. Let me propose, couldn't you have a sentence or two which says the BC is on record and provide a couple of links? However this document is focused specifically as the question on the straw man.

Steve DelBianco: I could do that. Phil Corwin, are you satisfied that a one word, one reference to URS is all right without having to expand and include all of our URS comments?

Philip Corwin: Yes and to clarify, I have no problem with that Steve to clarify my position if the BC just wants to say that it's important to improve the URS to members of the BC without referencing any of the particular recommendations - consensus recommendations reached by Working Group 2.

I have no problem with that. I was just saying that if you're going to start referencing one of the recommendations we shouldn't cherry pick. We should either mention them all or provide a link to all of them or not get into - not mention any specific one of the recommendations. I believe there were eight - six or eight separate ones.

So I'm fine either way. Either I mean mentioned that it's important or if we're going to start referencing what the recommendations are, provide a link or attaches an appendix to the complete consensus recommendations.

Steve DelBianco: All right, I'm going to have to give some thought to that. Any other comments from members?

Man: Well is different. Can you hear me?

Steve DelBianco: Much better.

Man: Oh great. Well I think any opportunity we have to be able to express ourselves clearly as to change the issue, but I think our members I think any opportunity that come we should be able to use it.

So (unintelligible) the sunrise and trademark (unintelligible) these other important points. So to best be on record definitely, but be mentioned and that will go a long way to see that the BC be consistent concerning the issue that pertains most to them. It would be focusing mostly on sunrise and trademark issue concerning the (unintelligible).

Thank you.

Steve DelBianco: All right, so what I'm sensing is that you guys would like me to add a couple of sentences that reference the rest of the eight items that we suggested and recommended in Toronto? And that includes URS, includes the registrar accreditation agreement and validation of Whois information, includes contract compliance and a number of other items.

So they'll do it in pros rather than bullets and reiterate it in the first paragraph. So the URS will be in a list of things, but there will not be specifics about the URS. I hope that addresses what Phil's concern was.

Okay. I have one other question and that is, in the very last paragraph we're suggesting that if we did a PDP on these limited, preventative registrations that the soonest it could product a result was going to be October of 2013. I got that date because Chris Chaplow did some great work on a timeline of the fastest possible PDP.

Chris has two questions. Is October still the date that you think is doable? And number two, should we link in some way to the timeline you've created?

Chris Chaplow: Thanks Steve.

Steve DelBianco: Go ahead.

Chris Chaplow: I'm quite happy to link to that document or to link to it on the Web site. It's the sort of document that is based on an absolute theoretical fastest and we all know in ICANN and around the whole world, but it won't - it doesn't go like that and it will document that I think will go to many, many divisions.

And indeed the PDP for October does assume on a request for issues report on the coming up council meeting on the 17th. I don't know if that - I don't know if that's the current situation of the council meeting. I might be wrong.

Steve DelBianco: There's no motion noticed for that. So why don't you revise your timeline assuming that the soonest that you could issue an issue's report is the February council meeting. Give me that date and then send me the hyperlink to the latest timeline which we'll put on the Business Constituency Web site. And then I can insert that hyperlink in this document. How about that?

Chris Chaplow: Okay. I could send you a hyperlink, then - yes.

Steve DelBianco: So right. So I suppose folks this should be a publicly available document that would live on the Business Constituency Web site. Benedetta could help us out and we could probably place it under the Positions Column some place and it would just say that the BC's best case timeline for a PDP.

And then we could link to it. Chris, the beauty of linking to it is that if you revise it over time we'd always be able to have the current version there.

Okay?

Chris Chaplow: Okay.

Steve DelBianco: Fantastic. Thank you. So I'll turn around these changes and hopefully I can circulate another draft later today or any final last minute comments before we submit tomorrow night.

Thanks everyone and let's move onto the rest of the policy calendar that I circulated yesterday. I think that per Marilyn's request I'll jump straight to Channel 2 on the policy calendar and that is the council meeting coming up this Thursday the 17th of January at 20:00 hours UTC at 3:00 pm Eastern Time.

There are currently on the agenda several items that I highlighted for you that include two motions that are noticed. And the notions both relate to a policy development process on the inter-registrar transfers policy. We call it the IRTP. And specifically it's Part D. And I've listed for the elements of what's in Part D.

The BC had members that were very active on IRTP; Chris Chaplow among them. And I would be happy to have your point of view and to have input for John and Zahid about the BC's level of support for this.

Chris, do you want to take a quick stab at that?

Chris Chaplow: Yes. Okay. The IRTP, it's famous for the engine room work. This is the fourth obviously. I took part on B and C and so did Mikey and Berry who aren't BC

members anymore. And I think Phil was on the last - and Angie I think on C as well.

So we've been able to guide that. And D is the next one through. So I - there's two motions. I don't quite understand why there's two motions. One...

Steve DelBianco: Because one motion is to initiate the PDP and the other's for council to approve a charter for a drafting team that we come up with the Part D. So they almost always travel together.

Chris Chaplow: Thanks Steve. I see just in that one would be after the other. I didn't see quite why it would just saving time putting...

Steve DelBianco: Well if the first one fails you don't bother with the second.

Chris Chaplow: I see. I see. Yes.

Steve DelBianco: So you're earlier endorsement of this idea John I believe had the BC second the motion. And John, are you with us on the call today?

John Berard: I am.

Steve DelBianco: Great. Anything further we want to discuss with members about that?

John Berard: I think these are two no controversy motions that will pass - I seconded. There is still no second to the second one, but I didn't want to be (unintelligible) the second of both of them. I will for the council if no one has, but I suspect that someone else will step up.

I don't see any problem with these two - with either of these motions and I suspect - I expect each of them will pass easily.

Steve DelBianco: Thanks John. Let's jump to the next item on the council agenda. It's a discussion, not a motion. Not a vote, but a discussion of the upcoming required review of the GNSO Council and the working group model. And that's just a discussion on the framework John.

Do you anticipate mostly focusing on the timing on when this review would occur?

John Berard: Yes. So the meeting on Thursday will mostly be discussion. The most interesting one might be the discussion about the difference between policy and implementation. And I think there'll probably be some further conversation about this on this call.

There will also be some discussion about the GAC which they asked the GNSO Council to explain why we thought a PDP was necessary for the protection of certain names, IOC, Red Cross, non-governmental organizations. That could be a little contentious.

And then there will of course be a discussion about the Trademark Clearinghouse straw man proposal. This will probably be the one that takes up most of the air on Thursday. If you've been reading or even if you just scan the list from the registry, the registrars, the new TLD applicant group and the Business Constituency and the IPC, you'll appreciate that the council will be the first time where all those strongest held views will come together.

So if there's any time that you want to listen in on the council call, that might be (unintelligible) 20 minutes.

Steve DelBianco: Thanks John. There's only one other item I've put in the agenda which was the accountability and transparency review team coming up with a process to nominate team members.

I know that Marilyn and Elisa Cooper have been working on that as part of the CSG. But let's stop and take a queue from members. Any questions or suggestions for our councilors for the upcoming meeting?

Ron Andruff: This is Ron. I'd like to be in the queue. Thank you.

Marilyn: And...

Steve DelBianco: Okay. I have Ron and Marilyn. Who else?

Okay. For starters, Ron and then Marilyn.

Ron Andruff: Just with regard to the review of the GNSO Council, I just - I appreciate that these are all things that are codified as we went through this process and established a working group model and so forth some years ago.

And I just wanted to just flag up the fact that we've got a lot of TLD work ahead of us and a lot of other elements on the front burner of ICANN right now. And one of the problems with ICANN is kind of what I call divide and conquer. And that means simply that there's not enough people, not enough hands on deck to address all of these different issues.

And when I talk about hands on deck I mean people from all the various constituencies and stakeholder groups to weigh in and to have a very serious discourse on the various elements. So what I'm trying to flag here is simply

when we talked about this at the GNSO Council level we may want to look at the - at what's going on with the GNSO and the working group model, but try to kick that can a little bit further down the road while we have all these other front burner issues like right protection mechanisms and so forth that we really need to focus on.

So that's just a comment that I wanted to add. I don't - I'm concerned that they'll all of a sudden - we'll find ourselves in a complete review of the GNSO Council and reform. And reform at the same time as we're going through the new GTLD rollout over the coming couple of years. It's going to be very tricky. So that's the comment I wanted to add.

Thank you very much.

Steve DelBianco: Thanks Ron. Marilyn?

Marilyn Cade: I remembered my comments so that you could tell which section I'm referring to. On Item 6, although what is shown on the policy calendar agenda is review of GNSO Council and working group model, it is actually a required review of the GNSO in (unintelligible).

The work that the council will do will be focused on the council, its role and the working group model. But there will also be a review, an administrative review of the constituency and SG and their effectiveness. And I mention that because we will have a chance to hear more from ICANN on how they plan to proceed with that including a selection of the independent reviewers.

The board members are responsible. Who chairs this particular function is Ray Plzak and he has spoken on this a couple of times in suggesting that the form

needs to be separated from the view and that he's a big proponent of reviewing without an automatic function that you then go to reform.

So maybe we could come back to this, add this topic into our CSG discussion with our colleagues because there is a separate process that is being driven by Bertrand de la Chapelle who is also a board member who wants to sort of go into the reconstitution of the constitution of and makeup of ICANN. And those two activities seem to be bumping heads inside the board.

It may be a good opportunity for us to get an update on this when we meet at the intersectional with (Sally) and with Fadi. And maybe we could park this issue to take some more exploration at that time.

On Item 7 I would like to have a little bit of a conversation with our councilors, Steve and you on - but Fadi has sent the request to the GNSO Council, but he has also posted the straw man for public comment. And it seems to me that the BC got to be very supportive of the idea that public comment matters and that we see the straw man as implementation regardless of whether the debate and the GNSO policy council by some who think that the straw man is policy.

And I think we probably need to think a little bit about the position that we put forward and talk to any of our allies including the other CSG, the IMPAC. I know Lanre's on our call today as a guest. If the council breaks down into a divisive argument about the straw man solution as policy, everything has to go to a PDP. Then it's not the direction the public comments are going in right now. The divide's pretty strong.

Steve DelBianco: Thanks Marilyn. Anyone else in the queue for questions or suggestions for our counselor?

Great, thanks very much. Marilyn, I'll turn it back over to you.

Marilyn Cade: So I just wanted to mention on Item 9 discussion of the distinction between policy and implementation. There was just last night David Olive, the Vice President of Policy sent a letter to the chairs of the Advisory Committee, supporting organization, stakeholder groups and constituencies proposing that we organize a workshop on this topic for Beijing.

This topic will be one of the discussion items in something I'm going to talk about a little bit later at the intersessional. And we will want to fully engage our membership and participating in discussing on that. I told them we're pushing time, so I'm going to prioritize some of these discussions.

Let me to go to Elisa and ask you Elisa to give us an update on the Whois expert group announcement and any other key issues on Whois that you think that the constituency needs to be aware of.

Elisa Cooper: Sure. So as most of you know - I mean Whois remains a very hot topic. And, you know, in the past year we saw the Whois policy review team final report recommendations come out and we had a number of comments on that.

All that said, the ICANN board as you may or may not know then directed Fadi to launch a new effort to re-examine the purpose of collecting, maintaining and providing access to GTLD registration data.

And so as a result of that this expert - a new expert group is in the process of being formed. And I believe Susan Kawaguchi, her name was put forward to participate. I don't know if Susan's on the line?

Marilyn Cade: I didn't see her.

Elisa Cooper: Okay. So at any rate, I don't think we know who is going to comply that group just yet. But I mean it is a little concerning I think the fact that so much work and effort went into the Whois policy review team recommendations and yet it seems like we're almost starting over again. And so that's kind of where that fits.

I don't know if there's anything else at this point. I guess I'll just mention also - I mean there still is this thick Whois working group I believe and we were asked - and actually Susan Kawaguchi and myself had signed up to participate on that working group. The - Glen actually requested on behalf of that working group that the Business Constituency complete a questionnaire about thick Whois and we needed to complete that questionnaire and submit that.

But as far as I know there has not yet been any further meeting scheduled for that thick Whois working group.

Marilyn Cade: Maybe we might turn to Bill because Bill made reference to the fact there was a review team alumni call did you say Bill? But I think your call may be particularly important of the discussion because there I think was some confusion about what it does that the expert group was going to actually look at.

Bill Smith: Sure. So this is Bill Smith. I think there is still confusion as to what the expert group will look at. On the call - let me start with - Fadi gave excellent comments and strongly reinforced the notion that he is - he personally is very committed to doing the right thing regarding Whois. And he mentioned "fraud and abuse" a number of times.

He also mentioned that, you know, his opinion it is basically time for ICANN to become a mature, adult organization and recognize its responsibility. I commented back to him that I felt that was very encouraging and reassuring and we're glad to hear it.

I certainly came away from the meeting feeling that, you know, at least in this point in time we have a CEO who is making the right statements and is making the right moves generally with respect to Whois.

On this expert group I believe what the expert group is supposed to do in just a few months is to take a look at Whois, figure out in essence the data elements that are required for a modern - they have now switched to a directory services term and I don't know if that's the term that was used in the FSAC paper or not.

But basically directory services; what are the data elements required, why would the data be collected, who would have access to it. So this is a - at least my understanding -- and Lynn was on the call as well -- is that this would be an attempt to quickly come up with the reason for collecting the data, the data that is to be collected and who has access to it and why under what - you know, for what purpose.

I think that is - as Kathy Kleinman pointed out on the call, that would be great if that could be done. I think given the diversity of opinion within ICANN that this - it will be - I will be amazed if this can happen.

Lynn Goodendorf: Bill, what call was this?

Bill Smith: This was a call of the Whois alumni.

Lynn Goodendorf: Okay.

Bill Smith: We requested a call. The reason we requested the call was because we do not believe - some of us at least do not believe that the board provided clear information back to the Whois review team and to the community as to what it intends to do with our recommendation.

Lynn Goodendorf: Yes the call was really a courtesy to us because we had raised questions. The board resolutions appeared to be formulated along the lines of the FSAC comments rather than the Whois report.

Marilyn Cade: And Lynn, you or Bill might - also it's Marilyn speaking. And thank you Lynn for commenting. There is that Fadi appointed someone who has known for some time and I think has a lot of confidence in to lead this group and the other discussion about the membership of the group.

Lynn Goodendorf: Not a lot of detailed discussion I felt and Bill might want to offer his view too, but I felt like they were trying to reassure us that our recommendations were being taken seriously and that they were going to act on all of them. And, you know, it was - they were trying to really give us reassurance.

But, you know, everything they said sounded positive. But I'm like Bill, I don't feel comfortable that, you know, they're really going to be able to get anything accomplished. It almost feels to me like they're like going back to zero and wanting to start all over again. So it is frustrating to me.

Marilyn Cade: Before Bill...

Bill Smith: I agree with Lynn on that. I mean I'm hopeful, but I have concern that a group - a diverse group from across the ICANN community can be brought together and within four months. Well in four months even a working organization.

I would say it took the Whois review team about that long before we could establish ourselves and understand sort of our very divergent views on things so that we could actually begin our work. So I'm hopeful. It'd be great if, you know, I think (Jean Francois), you know, if he could somehow get everybody aligned and agreeing to do, you know, good things. But I have reservations. Let's put it that way.

Marilyn Cade: So - it's Marilyn. I have a question for all of us. You know, we have a fairly strong set of comments that we provided in support of the review team's work including making it clear to the board that we believe that review team recommendations have special status.

Those often send a short letter saying we welcome the information about this new group, here are our priorities. We look forward to having - you know, just restating some of those key points.

Lynn Goodendorf: I think that would be helpful Marilyn. This is Lynn. My read of the affirmation of commitments is that the ICANN board is actually obligated to act on the recommendations of the review team.

I mean they don't really have the option or the discretion to decide whether or not they want to do anything or not. And so, you know, again I think they're playing a little dance here where they're trying to say that they are following through, but you know, I almost feel like we're going to have to wait and see. But in the meantime I think given that comment would be helpful Fadi did acknowledge that he's getting pressure from the GAC.

Bill Smith: Right.

Lynn Goodendorf: And it comes back to what Bill mentioned earlier on fraud and abuse that the GAC is really, you know, emphasizing those aspects and consumer protection.

Bill Smith: Right and I think I do believe that, you know, I believe this is important to Fadi. I am thinking, one, I'm thinking about his word. I mean he has said the same thing repeatedly. So it isn't the case that he's - I don't think it's the case he's just saying what people want to hear.

I sense a real sincerity in him. I have less faith in the board and if you read the resolution that the board passed with respect to the Whois review team you will note that they neither accept nor reject the recommendations. And I think, you know, to Lynn's point about playing a game, I think a game is being played.

They did not accept any of the recommendations, nor did they reject any of them. And instead they chose a different path.

Marilyn Cade: Yes. Okay let's...

Bill Smith: And they may in fact go ahead and implement some of the recommendations. Fadi claims that they are, but we, you know, we don't have action from the board as they were required to do.

Marilyn Cade: Okay. So I take the (unintelligible). I'll work with Steve and I'll put out our old document and try to put something together and circulate it to all of you. And I'm just going to put this on the priority agenda for discussion at the intersessional which I'm going to talk about in just a minute.

(Unintelligible) I thank both of you for not only your work and Susan, but also for your constant continued involvement because it is such an important issue. And I think Elisa, if you don't mind reminding me we will put Whois as a priority issue for a conference during the intersessional and I'll ask that you help to make sure that that happens and we can (unintelligible) so they can join the call.

Is that okay with you?

Elisa Cooper: Yes.

Marilyn Cade: I'm skipping around a little bit here. On the ATRT update on (unintelligible) there was a call for nominations. People can make - they can self-nominate. They can nominate as a - to be influenced by an SO or as an independent expert. The names of the nomination process closes today.

There is discussion in the BFC executive committee about putting forward an endorsement of the senior executives, but there is not a resolution on that. We have a few more days as the executive committee to talk about that, but you can see the submission. There is really criteria. I'm not sure that everybody who submitted their name read the criteria, but the idea is that you do need to have significant expertise and background in ICANN.

This is ATRT2, so we'll look at what the first ATRT did and then try to assess what progress has been made in the meantime. The group's work will end by the end of the year according to the present schedule. So it will be a very fast track (unintelligible) and packed benefit the review team having ongoing interactions with community.

The idea is that they would meet for the first time in March and then they would meet during the Beijing meeting and would have at least one short public session during the Beijing meeting which would probably be just an update on what they've done.

I'm going to ask people to send comments in if you have any questions on this because we are really pushing time. And there's a couple of things I really want us to get to. (Unintelligible), I wanted you to have a chance to give us a status update on the nominating committee.

If I still have...

Man: Thank you Marilyn. Thank you Marilyn. I'm just getting off mute. Appreciate it.

Yes on the nominating committee, as you know Waudo Siganga and I are the two representatives from the BC. This is something that is unique in so much as we're the only organization within ICANN that actually has two representatives.

So the business side of the nominating committee is certainly well-represented and I would hope that through the members of BC you know a lot of very highly qualified individuals around the world who could participate in ICANN. And we would very much welcome having your input and your recommendations as to who might be able to join us.

I'll tell you a little bit about the positions that are open at the moment, but I would like to just let everyone know that the time table for the candidate application period began in November and it closes in May. So we have about three months ahead of us considering that we're already in the middle of

January to get some - really kind of turnover every rock we can find to find some qualified individuals that would submit their applications.

So the nomination period, again ends on the 1st of May. So I would welcome and this with Waudo, any suggestions and you could reach us - it'd probably be best to go through Benny if you don't have our individual email addresses, you can - Benny can provide that to you. And what we're looking for specifically are three members of the Board of Directors of ICANN. We have had Erica, (Sharem) and Bertrand de la Chappelle who are the three members of the board who I'm not sure whether or not they were going to resubmit their candidature or not. But those are the three that are coming up for renewal.

We have three that we're looking for from the At-Large Advisory Committee representatives. That would be one each from Africa, one from Asia, Australia, Pacific Islands and one from the Latin American and Caribbean Islands regions. We're looking for two members of the - for the council on the GNSO. Lanre has joined us on the call and he was one of those individuals. And I think that he's done a fine job. And it's important to note that these individuals are free of any relationship with an SO or a constituency.

And then finally we're looking for one member of the council of the Country Code Name Supporting Organization or the CCNSO. So one CCNSO representative, two GNSO representatives, three for the ALAC. Again one from Africa, one from Austral-Asia and one from Latin America and three members of the Board of Directors of ICANN.

So I want to just finish this quickly because I know we have other things to talk about, but would be very grateful for any recommendations or suggestions. If you know of someone you could encourage them to contact us.

And if you'd like us to contact them, either Waudo or myself directly, please send their information to us.

Any questions or thoughts on that would be most welcome. Of course we could take them offline as we got other things on the agenda. However, Marilyn, I turn this back to you.

Man: Okay. Can I make a quick request?

Man: Who is this speaking?

Man: Yes my other question, they will send a link (unintelligible) you just mentioned.

Thank you.

Man: Absolutely. I will pass this on to Benny. I'll send the link to Benny and then she can forward this information to the members.

Marilyn Cade: Thank you and I will just say if you - there's the few forms that you filled out to nominate yourself. You're asked to identify references. There is a very detailed process that the nominating committee goes through. There's also some regional geographic diversity issues for balance.

And Ron, I don't know (unintelligible) or has that been analyzed yet?

Ron Andruff: I'm sorry Marilyn, you're breaking up a little. You're asking if there's diversity issues for the board or I'm sorry I didn't catch that?

Marilyn Cade: Here there's also a priority for regional geographic diversity. And I don't think that's...

Ron Andruff: Always. Yes always and that's - and particularly with the ALAC, those are the three - there are three regions that were very specific. Right now with the board candidates we actually have all three are European representatives. And from a male/female we have one female and two males that are up for renewal - or up for - those are the open seats. Let me put it that way.

So at this stage, yes I mean do think about regional diversity. Clearly North Americans and Europeans are, you know, we have a heavy load within ICANN in general. So it's always welcome to have a much broader reach on a global scale.

Marilyn Cade: Fantastic. So let me move onto a couple of things and I - again I'm going to try to prioritize these because I can do some of this in writing.

Benny, can I ask you to announce the timeline for the election of offices? And then I'm going to go to Chris to discuss the membership fees.

Benny? If they need to get off mute I'll just give a quick background. The BC charter outlines the process and procedure for elections. We actually have a well-documented set of procedures. Elections are held in two tranches. The counselors are elected on an alternating year basis, so every other year we elect a new counselor. That election is held in the fall with meeting of the counselor - council bylaws and charter.

Election of the offices is held in January/February time frame. And I'm going to see if I have Benny back on the phone now.

Benedetta Rossi: Yes I'm back Marilyn. Sorry about that.

Marilyn Cade: Can you explain the timeline for the election of officers and how you plan to proceed?

Benedetta Rossi: Yes of course. So BC members have received an email containing the election timeline that shows the dates of the different steps of the election. The election procedure which contains in depth information about open seat eligibility and election procedure will be sent closer to the opening of the election.

So the BC officer elections for 2013 will be run by myself, BC Secretariat, serving as voting officer. I'll be verified by Glen DeSaintgery, GNSO Secretariat, serving as verifying officer.

The timeline is as follows; a nomination period of two weeks will begin from January 31 to February the 14th followed by a discussion with candidates and a candidate call on either February 15, 18 or 19 depending on the candidate eligibility. This call will be recorded and transcribed and will be posted to the BC membership list.

The confidential electronic voting will open on the 20th of February and closing the 26th of February. Counting by the voting officer and validation of the votes of the verifying officer will take place on February 27. We're going to announce the election results on or by February 28.

And is that clear? Are there any questions about the timeline?

Ron Andruff: This is Ron. I don't have any questions on the timeline, but I do have a question.

Benedetta Rossi: Yes of course. Go ahead Ron.

Ron Andruff: Thank you Benny. Just to understand which - are we talking about - when we talk about BC officers are we talking about the XCOM? Are we talking about the GNSO representatives or, you know, just for clarification for our members in case it's not clear?

Benedetta Rossi: Yes of course. Thank you very much Ron for your question. My apologies if it wasn't clear.

The BC officers will be the XCOM. So it's the chair, vice chair for financial operations, the vice chair for policy coordination and the CSG representative.

Marilyn Cade: So Benny, you have some more detail (unintelligible).

Man: What date would the election be announced? February 20 what this?

Benedetta Rossi: When the results will take place?

Man: Yes will be announced? I didn't get the date totally.

Benedetta Rossi: February 28.

Man: The 28th. Okay.

Benedetta Rossi: The election will be running all throughout February. We announce them in the last day of February.

Marilyn Cade: And this -- Benny, it's Marilyn -- you have a more detailed procedures document that you're working on just updating from last year that you'll be posting to the BC group? Is that right?

Benedetta Rossi: That's correct. Yes and that will contain all the detailed information about the seats - eligibility for members to be nominated, eligibility for members to vote and everything else they need to know for the election.

This is just a brief timeline just to show members when the election will take place.

Marilyn Cade: Thank you very much. And just for legality purposes so members know this, the voting is validated by a returning officer from ICANN. And the votes are validated and retained by both ICANN and the BC in the event that there's an appeal or an SSO to the review there's complete documentation.

And Benny, I want to compliment you on the work you've done on this because you've really moved our procedures forward and I do appreciate it.

Let me go to Chris to talk about an important issue and that is money.

Chris Chaplow: Thanks Marilyn. Yes it's Chris here. To report firstly that myself, the finance committee and Benny have been working hard over the last few weeks to close the end of the year. So at the end of the year we're able to close the accounts and do the necessary checks and build up the estimated against the actual 2012 budget. The BC budget for the calendar year unlike the ICANN budget.

So the 2012 budget has been closed. We'll use that to propose a 2013 budget and this is where we're forecasting what our costs - forecasting the cost is the easiest side. It's actually forecasting the income that's a little bit more difficult.

I looked and it has led to the decision that we will need to raise our member's fees unfortunately. So I'm going to have to bring those bad findings.

I looked at the history a little bit because I noticed I've got documents going back to 2003. And the membership fees for the large - well there's 1500, 1250 is for the three (unintelligible). And the BC run - had the membership fees - actually it ran up some rather high reserves. And then in 2010 just before my time actually even as a member, the fees were reduced down for the large members to 1000 Euros. And over a number of years the reserves have dropped to a figure now - currently it will be - it's about 15,000 Euros.

So we can't go into the end of the year without doing a balanced budget. So for that we're recommending that the fees more or less be returned to the figures that they were from 2003 to 2009. And that will be for the Category 1 members 1500 Euros; for Category 2 members 670 Euros. And for the Category 3 members 383 Euros. And also adding as we did last year the membership process fee of 15 Euros - a banking process fee of 15 Euros across the board on that.

So I'll send out a written notification for that to BC, active BC private. According to the charter the Finance Committee adopt the budget and send it out to the members for a comment period. So I think we can do a comment over the next two weeks if members have any comment - or put it in the email and send them back to Benny and she can forward them to the Finance Committee and the XCOM. And all being well, we'll start invoicing in February.

And I think the good news is that we've brought back time now. This is when we should be doing the invoicing each year and not at the end of the - towards the end of - well back end of year as we had done previously.

So I can take any quick questions now I think if anybody wants to?

Steve DelBianco: Hey Chris, it's Steve. I thought it'd be helpful to just remind everybody what Category 1, 2 and 3 are. Your document was very thorough but it presupposes people understand the three levels.

Do you have the charter right in front of you to read those out or should I?

Chris Chaplow: I've got it in front of me, but you go ahead Steve if you've got it on the right page.

Steve DelBianco: Okay. So Category 1 companies which is the businesses, not a micro enterprise or a trade association that spans more than a single ICANN region. And that would include my group like NetChoice.

Category 2 is an association that's only in a single ICANN region as Category 2. And Category 3 is micro enterprises and that's a company that has less than ten employees and less than half a million Euros of annual sales.

Thanks Chris.

Chris Chaplow: Thanks Steve.

Marilyn Cade: Okay. You may have questions and when Steve - Steve, thank you for adding that in. Chris, when you send your document out tomorrow members may

come back with other questions and we can take it - turn to you and your (unintelligible) subcommittee. And I don't know if you just want to mention who they are?

Chris Chaplow: Yes. Thanks to Anders Halvorsen, Angie Graves who've joined the finance application - apologies. I should've mentioned that in the beginning. And Angie offered her services at the back end of the year, so she didn't help there.

And Jim Baskin as well on the Finance Subcommittee. And as always anybody who wants to volunteer to join that or we can rotate or whatever that's discussed, that's fine.

Marilyn Cade: And we have Angie and Jim on the phone with us today. We are limited on time and I am cognizant that we're already six minutes over. I just giving out an update on the intersessional because I have a semi-final agenda. So I'm going to take a few minutes to tell you that it's coming and ask that we go with that online.

I want to take advantage of the fact that Bill and (Patrick) are on the call and Jimson is on the call and spend at least five minutes talking about the WCIT implications that ICANN use as three people and myself who were present at the WCIT. And, you know, this is not an effort to turn the BC into an internet governance forum that very much what happens in settings like this has significant implications.

And I thought we might just take advantage of having Bill and (Patrick) on the phone and ask if either one of you want to offer some thoughts about your - from your being at the WCIT?

Bill Smith: Sure, this is Bill.

Marilyn Cade: Okay.

Bill Smith: It was a very interesting event I would say. The - I think the - perhaps the biggest outcome or not necessarily an outcome, but from my perspective one of the most important things is that the Internet-internet governance issue with respect to the ITU is now overt. It is no longer covert.

Nations have spoken. They have indicated clearly that some have, that they would like the ITU significantly more in the Internet and as governance. And others I think have come out strongly and said no. And I think going forward to have a strong Internet that's free, open, generative, is going to require a considerable amount of effort and outreach amongst a number of organizations including ICANN, governments, civil society, private industry, and we're going to have to work together. Be more coordinative.

And also, you know, in addition to keeping ourselves together and coordinated, we're going to have to do significant outreach into other areas, particularly I would say the developing world. And to explain why and how the existing mechanisms for operating and governing the Internet work and how people can in fact participate and be effective.

So I am at least somewhat encouraged by the event. We, you know, no longer have to sort of dance around whether people want the ITU more involved in Internet governance. I think very clear statement has been made that a large number of countries do want that. And also a large number have said no. But we've got a pretty clear dividing line now.

And it's now going to be up to organizations like ICANN to demonstrate to the world that they in fact are an appropriate organization to continue doing

the things that are being done. And that would properly fall within its (unintelligible). So the time is now I think. That's what I would say.

Marilyn Cade: That's great Bill. I really agree with them, endorse everything you just said. Except for one question that I would raise.

But first of all I want to go to (Patrick) and to Jimson.

(Patrick Ryan): Hey Marilyn, this is (Patrick). Thank you. I agree with - you know, I agree with the points Bill made and I think this is a subject that's worth discussing, you know, further in detail.

I'm a little concerned, you know, given the time that we'd be able to do that here today, but you know, in a very high-level I think Bill hit that nail on the head.

Marilyn Cade: I'm happy to hear there's interest in discussing - in having a further discussion at another time for comment.

And Jimson, you were - we were, the three of us, Bill, myself and (Patrick) were on the United States delegation. You were there on the Nigerian government delegation. Are there any thoughts you might like to share with us about the importance of business engagement?

I think we may have lost Jimson. Let me wrap this up by saying it is a topic that I would like us to spend more time on, but have an organized time to discuss it.

When you see the document I'm sending out to you just from the intersessional, we will have the BC call on the 28th and I would like to put

this topic on that agenda for the 28th so that when the topic comes up during the two-day intersessional there's an opportunity to have some feedback and thoughts from the BC.

Many of you know that ICANN always does a workshop during the meeting, but I think Bill was right. We need to be working with ICANN to strengthen how ICANN staff collaborate and coordinate and interact with business as well. So why don't we park that as an item to come back to. Maybe even ask for some volunteers. I may have a few of you in mind since you're heavily engaged in this issue.

We need to wrap up. We're 13 minutes over. You're going to see an email from me with the intersessional event. You'll see an email from Chris on the budget. Benny has done a ICANN meeting old review that she sent out and I'll be working with Chris and others on a draft letter as the BC concerns about the importance of Whois.

(Unintelligible) put together a proposal for calls. We'll take a look at those and make sure that - I probably will have to do a doodle for you guys so that we can make sure that the call schedule she's proposed can work for this quarter. And then we will try to lay out the schedule for the rest of the year's calls whenever we're together face to face in China.

Does anyone want the last word?

If not, then I get to thank all of you.

Jimson Olufuye: Hi Marilyn. This is Jimson.

Marilyn Cade: Yes.

Jimson Olufuye: Yes I'm so sorry. Like I was (unintelligible). So we'll - I think you wanted my comments related to the WCIT?

Marilyn Cade: Yes.

Jimson Olufuye: I will (unintelligible).

Marilyn Cade: Yes and...

Jimson Olufuye: Good. Good. I think it was an important event. It gives many the opportunity to be able to gauge what agreement the government and then again (unintelligible). And then I found out (unintelligible) do not appreciate or do not know about ICANN (unintelligible).

So the (unintelligible) need to enlighten a lot of the membership. And (unintelligible), but we need to engage now. That is the lesson. We need to engage now the developing coordinations. Whatever ICANN can do, we can do it.

I will have the opportunity to meet with Fadi and his team and it is promised to give some support and opportunity for developing nations like Africa. So I think (unintelligible) and we need to stay the course. And I also thank Marilyn for all this support you give to me to ensuring that the United States team and (unintelligible) were able to engage and engage totally that level of understanding. So (unintelligible).

Thank you very much.

Marilyn Cade: It was my pleasure. And I'll just say because (Patrick) and Bill were so heavily involved in this, we had a fantastic opportunity and maybe it's something that we need to be thinking about doing more of it in ICANN itself and that is having listening sessions with some of the government.

Because I think we really benefited from doing that. Bill and (Patrick) were very heavily engaged along with Jimson in having those exchanges. So you will see an agenda item on our call for the 28th and we'll be looking for whether the members think that this is something worthwhile to add to our work portfolio.

Let me thank all of you again for joining the call. And you will see a transcript. And if you have any needs for information, et cetera, do let Benny know and she can find one of the officers to follow up with you if you're having difficulty reaching us.

Thanks everyone.

Woman: Thank you.

Man: Thanks. Thanks Marilyn. Bye now.

Woman: Thank you very much.

Man: Thank you Marilyn.

END