



Minutes: BC Members Call April 26th, 2013: 11 am EST (3 pm UTC)

Attendees:

Elisa Cooper
Steve DelBianco
Chris Chaplow
Marilyn Cade
Jimson Olufuye
Richard Friedman

Andy Abrams
David Fares
Aparna Sridhar
Ayesha Hassan
Anjali Hansen
Ron Andruff

Susan Kawaguchi
Jim Baskin
Benedetta Rossi – BC
Secretariat.

Apologies:

Caroline Greer
Bill Smith
Zahid Jamil
Frederick Felman

1. Introduction – Elisa Cooper, BC Chair

Elisa Cooper, BC Chair, introduced the call by welcoming a new BC Member, Richard Friedman, Pfizer Inc, and went over the agenda topics for the call.

2. Review and Discussion of ICANN 46, Beijing

Elisa Cooper:

- Introduced the first item on the agenda by presenting her views of the Beijing meeting.
- Elisa noted that the meeting was mainly focused on the terms of the new gTLD program, along with the Registry Agreement which is an important part of the new gTLD program, the Registrar Accreditation Agreement and the GAC advice.
- In many ways we're very close to go onto the first new gTLD, in fact the first new gTLD application was supposed to have been signed on April 23, which didn't happen. But it feels at the same time while we could be very close, we could be very far from that happening given the GAC advice.

The ICANN GNSO “Business Constituency”



Ron Andruff:

- Noted that the Beijing meeting was very much a pivotal meeting as much as when the GAC and the Board had the scorecard.
- There were some cavalier statements about what should happen with regard to the GAC, and it's important to remember how important the GAC is to ICANN as a whole, seeing as the members of the GAC are the only people from any government in the world that understand what ICANN is and try to make it work.
- Ron therefore hopes that the BC can manage to draft a document that really reflects that the GAC advice is important and shouldn't be taken lightly and that when it comes to a public comment period on GAC advice, we're wading into very dangerous waters.

Steve DelBianco:

- Steve noted that aside from the new gTLDs there are four observations from Beijing that should be remembered:
 - I. The Accountability and Transparency Review Team: Version 2 kicked off and it's got a lot of familiar faces on it of people that feel strongly that ICANN needs to improve in particular regarding accountability.
 - II. Policy versus implementation: the new gTLD program stimulated that conversation around the Strawman and Rights Protection Mechanisms but it's a far broader discussion and it looks like we're going to have a working group coming up with a process to define when implementation is actually creating new policy.
 - III. The WHOIS extra working group and that's outside of the scope of the new gTLD program - BC Member Susan Kawaguchi of Facebook is on the call and she's part of that group.
 - IV. The RAA - the Registrar Accreditation Agreement while it's being negotiated as part of the new gTLD rollout we do think that some of the improvements in the RAA need to trickle over into the old gTLD space as well.

Marilyn Cade:

- Agrees with all of the points Steve made regarding the Beijing meeting.
- ATRT 2 is a priority to the BC and when we talk about reaching the next segment Marilyn would like to volunteer to work with others on responding to the questions.
- Marilyn noted that in regards to the working group on policy versus implementation, the BC needs to be a thought leader on it. The BC needs to be strategically thinking about this concept of restructuring of ICANN and restructuring of the processes and working with CSG colleagues.
- For business: the BC needs to think about what they can do to make sure that ICANN's not viewed as selling off parts of the infrastructure of the Internet because that is going to harm businesses with governments.

The ICANN GNSO “Business Constituency”



Elisa Cooper:

- Asked Marilyn to give members a background regarding ATRT and the SSR RT.

Marilyn Cade:

- Marilyn was on the President Strategy Committee for three years that looked at improvements to ICANN. This WG proposed a lot of changes, including a change in the relationship of the United States Government to ICANN that led to something called the Affirmation of Commitment. And the Affirmation of Commitment created four review teams, one of which is the Accountability and Transparency Review Team, so that's the acronym - ATRT. ATRT 1 has already concluded, we're now in ATRT 2.
- ATRT 2 has a call for public comments on a set of questions about whether they are addressing the right issues and Marilyn thinks that in Steve DelBianco's next policy segment the BC will talk about how we put together BC comments on ATRT 2.
- The issue here is: is ICANN being accountable and transparent and are they meeting their bylaw requirements to act in the public interest? Are they accepting public comments and integrating the input of public comments into positions that they take?
- The SSAC, the Security Stability Advisory Committee, is a group of advisors that have particular expertise in security that acts as a watchdog.
- They are assessing implications and decisions and trying to advise the Board on whether a change that's proposed by somebody like the registries or the registrars or the introduction of large numbers of new gTLDs, how is it going to affect secure and resilient operation of the Internet's infrastructure?
- Final comment on the Beijing meeting as a whole: the fact that the GAC managed to get funding to come and work with the community and within the GAC from Thursday through to Wednesday is a phenomenal commitment. Marilyn believes that understanding how important that commitment was is something that the BC needs to do better: governments cannot easily get the funding or easily do the amount of work they did.

Ayesha Hassan:

- Supports Marilyn's and Ron's comments regarding the GAC and their work in Beijing, and that links to ICANN in the broader Internet governance landscape.
- Regarding the ATRT 2: ICC tried but did not manage to submit comments by the first deadline of May 2. ICC will therefore try to submit comments in the reply comment period and if the BC is going to do the same Ayesha is happy to share what the thinking is in ICC's membership.
- Noted that the stakeholder engagement meeting that was held was quite productive and its format was done in a very constructive way.
- The BC meeting and the constituency meeting day was good with the CSG, etc. It is always helpful to have a mixture of the time that we spend together on certain issues and then looking forward and thinking about new ideas and then the interaction with some of the staff so that members get a chance to interact with the staff on particular issues of interest.

The ICANN GNSO “Business Constituency”



Ron Andruff:

- Supported Ayesha’s statement regarding Constituency day.
- During the CSG meeting, when discussing the issue regarding singular vs. plurals, there were a lot of fireworks which came from the ISPCP, who felt that they had not had the time to discuss this important issue within the Constituency before presenting it to the Board as part of the CSG.
- For CSG discussion: how the construction of the constituency date goes going forward, to see if the three Constituencies can meet first and then as a group to share ideas to take to the meeting with the Board.

Marilyn Cade:

- Two meetings ago the CSG asked for a change in the meeting schedule on Saturday and Sunday to create a space for constituencies or the CSG to meet during the weekend with full support of meeting room from ICANN. This is a pending issue.
- Changing the meeting time would mean taking back some time on Sunday from the GNSO Working Session, mainly for the Councilors, and dedicating it to the Constituencies or the CSG.

ACTION ITEM: Marilyn Cade, CSG Representative, and Elisa Cooper, BC Chair and CSG alternate, agree that this is a priority for the CSG, and to therefore move this discussion forward with the IPC and ISPCP to have meetings on Sunday.

Barbara Wanner:

- Barbara noted on behalf of the US Council for International Business that in regards to the ATRT 2 comments, USCIB plans to make a submission by May 2nd. The comments provided will probably be high level in nature, as USCIB members might prefer not to assign numerical values to the specific questions.

3. Policy Update – Steve DelBianco, Vice Chair – Policy Coordination

Steve DelBianco:

- Three topics for discussion:
 1. GAC advice
 2. New RAA where Anjali Hansen is the BC rapporteur.
 3. ATRT 2: Marilyn Cade volunteered to draft comments. So the comments at this point don't require that constituencies take a position or that trade associations take a position. It's merely an opportunity to raise questions with the ATRT, and the deadline is May 2nd.



GAC Advice:

- Steve drafted an outline of the GAC advice. This outline covers a lot of different topics, but the only one where public comments are being solicited is Section 1B, which covers all of Page 1 and the top of Page 2 and that is about safeguards. The GAC advice also touched on their objections to specific applications, which is under 1A, and Steve doesn't believe the BC would comment on this topic.
- Under new gTLDs, in the safeguards the GAC has come up with six safeguards for all new gTLDs and they are extremely robust. Only one of them is arguably in place today - Number 2, where it says that the terms of service that a registrant sees at a new gTLD should tell them that their use of this domain name prohibits malware, phishing, piracy, trademark and copyright.
- Question: do most members think that the TLDs' terms of service for registrants already have that in their terms of service?
- There are some rigorous requirements in here that are genuinely new and the BC should thank the GAC for lobbying a lot of these since they reflect concerns the BC has argued for ten years; for instance registration abuse problems, WHOIS accuracy issues, handling complaints, suspending domains, violation of applicable law, fraud and deception
- Steve then opened up the queue for BC members to speak about the general sense about whether these first set of six safeguards are issues that the BC would want to specifically comment on and if so whether you think we ought to support them or not.

Marilyn Cade:

- Marilyn noted the importance of language when it comes to posting the comments on GAC advice, as well as identifying who is making the comments. Governments are very sensitive to this and they're trying to understand who the commenters are and what the purpose of the comments are - whether they're representing a candidate or they're coming from a broader public interest perspective.
- The BC's voice has always been respected by the GAC, since the BC has always shown huge integrity.
- The safeguard issues bring public interest forward. The BC should focus on supporting that they are relevant and critical, and then focus on how they can get fulfilled.

Elisa Cooper:

- Overall the BC can support additional right protection mechanisms and things that will protect consumers and therefore can support the safeguard.
- Elisa's question is how does this get implemented? Will there be requirements before the new gTLD program is allowed to proceed?
- Elisa's issue with these safeguards is that they're very general and they don't provide for the applicants a way forward.



- For the record Elisa noted that she has conflicts on this issue since MarkMonitor is a registrar, but she is speaking about what she thinks is best for business.
- Elisa believes the BC should ask for some specific requirements as to how the safeguards would be implemented if they were adopted because the applicants are going to need that. Also, single registrant TLDs are like the dot-brands, and the safeguards aren't really applicable to them, that's another point we might want to make.

Please refer to pages 19-26 of the transcript for member discussion on GAC advice.

ACTION ITEM: Steve DelBianco will host another call next week only on GAC Advice, for members to provide further comments prior to the drafting of the BC's comments.

Registrar Accreditation Agreement:

Anjali Hansen:

- Please refer to the document Anjali drafted on RAA.
- Anjali started drafting the RAA comments for the BC.
- For the record Anjali does not have a conflict on the RAA except that BBB is an applicant for dot BBB.
- Anjali went over the outline she circulated regarding the issues that were previously circulated for comments.
- One of the comments was a validation of WHOIS data: now under the new revisions there are quite a few provisions that address that.

ACTION ITEM: Susan Kawaguchi will provide Anjali comments regarding the privacy proxy specifications.

ACTION ITEM: Steve DelBianco will provide comments on number 5.

ACTION ITEM: Anjali asked members to email her once they have looked at the final version, and especially the specifications. If members have comments, please email Anjali directly and she will collect them and add them to her draft. Comments are due May 13th.

4. Election Announcement

Benedetta Rossi:

- Benedetta announced the process for the election for the Vice Chair for Finance & Operations.
- Timeline: the nomination period will begin on the 6th of May, for two weeks until the 20th of May. The candidate call will follow on either the 22nd or 23rd of May pending on candidate availability. The call will be transcribed and posted to the BC list. Voting will open on the 27th of May for one week until June 3 and the announcement of the outcomes after counting by the voting officer and validation by the verifying officer will be announced on June 5.

Elisa Cooper:



- A few members have expressed interest today which is great news.
- Members from different regions are very much encouraged to apply so that the BC has some diversity in terms of geographical representation in the executive committee.
- If we're not able to achieve that then obviously we'll need to move forward with the candidates that we will have.

5. Global Outreach Interest Group – Elisa Cooper

Elisa Cooper:

- At the Beijing meeting, the BC discussed putting together a global outreach interest group.
- Some BC members expressed interest in participating: Zahid Jamil, Aparna Sridhar, Ayesha Hassan, Jimson Olufuye, Mahmoud Lattouf, Marilyn Cade and Andrew Mack.

Gabriela Szlak:

- Expressed interest in joining this group.

ACTION ITEM: Elisa Cooper will reach out to the BC members who expressed interest in this group to see how to move forward.

6. BC Charter Amendments – Elisa Cooper

Elisa Cooper:

- Elisa noted that the BC discussed making amendments to the BC Charter, and she will continue to work on this to then address this topic with the BC membership.

7. Conclusion

ACTION ITEM: Benedetta Rossi, BC Secretariat, will schedule two further calls for the BC: one for further discussion on the GAC communiqué, and the second one to address the BC's response to the RAA.

ACTION ITEM: Marilyn Cade will lead the drafting of the BC comments on the ATRT via email.

Anders Halvorsen:

- Asked Elisa to try and avoid scheduling BC calls on Fridays since it is quite late for European and African members on a Friday afternoon.

Andrew Mack:

- Thanked BC members who attended the meeting with African folks in Beijing.