



Minutes BC Closed Meeting

ICANN 47 Durban

Wednesday 17 July 2013 at 12:30 local time

Please note that a roll call was not done at the beginning of the meeting, so attendees were not captured in the transcript.

Elisa Cooper:

- Elisa introduced the meeting and the primary topic and purpose for the meeting: to decide what topics the BC wants to discuss at the Public Forum.

Steve DelBianco:

- Steve noted that the agenda for the public forum is not yet published on the schedule, so he will get back to members once it is. Normally at this point in time the schedule is published making this meeting entirely focused on the topics on the agenda.
- Steve introduced three areas that BC members have indicated they wanted some comments on:
 1. To make a public comment asking for the Board to open up public comment on ICANN’s response to GAC advice. It’s not commenting on GAC advice; it’s commenting on ICANN’s response. The BC would ask further GAC advice coming out of this meeting, as well as for the non-safeguard items which include singulars and plurals. In the non-safeguard part of the Beijing advice is the advice regarding geographical names at the top level. Steve noted that some BC members have grave concern about the precedent that could be created by the denial of .amazon. That was what Fred and J. Scott had asked for as part of withdrawing their motion of having the BC take a strong position on that.
 2. SSR concerns.
 3. The Board has a resolution or consideration on Thursday afternoon on the affirmation review of new gTLDs, and that includes the work of the consumer trust, consumer choice, and competition work group where the BC was an active participant.
- Steve opened the topic to BC member input.

Marilyn Cade:

- **Regarding the geo names:** Marilyn noted that while some members may have concerns, others do not or may differ with those concerns. For consistency and due to the lack of a BC position on



the subject, Marilyn asked the BC to be very sensitive in the language brought forward at the Public Forum, and to avoid responding to questions.

- This is a compromise to avoid a 14-day vote, which would’ve meant no one speaking out on behalf of the BC would be able to go to the microphone. If there are at least five people from the BC membership who have expressed a concern that meets the 10% threshold, therefore Marilyn urged the BC to be careful when addressing this topic.
- **Regarding SSR:** Marilyn noted that it would be very important to address this topic with Jeff Brueggeman present, and with the ability for a reference to the SSR review team’s report. Despite not building new ground on this topic, Marilyn believes it’s important for the BC as users to be on the record on this issue.
- **On the budget:** Marilyn noted that the BC should submit comments, perhaps from Chris Chaplow who lead the budget work, regarding the challenges encountered when reading the budget.

Steve DelBianco:

- Steve responded to Marilyn’s comments:
 - **Regarding the geo names:** Steve’s intent is to express that “some BC members have concerns about the precedent created by a denial of .amazon.” He therefore hopes this meets BC members’ sensitivities on the issue.
 - Steve agreed not to take any questions on the geo names topic.
 - **On SSR,** Jeff and Steve have discussed this and he is intending to comment on the SSR.
 - Steve asked Chris Chaplow if he is willing to talk about the **budget** comment.

ATRT2:

Jeff Brueggeman:

- Jeff mentioned the BC should discuss whether to bring up the ATRT2.

Steve DelBianco:

- Steve noted that the ATRT looks at whether ICANN follow the recommendations of the other three review teams, including your review team on SSR.
- Steve proposed for Jeff to comment on the ATRT by evaluating whether they follow the SSR recommendations he worked on a year ago, since in the area of name commitments they are not.

Geo Names:

Jeff Bruggeman:

- Jeff agreed to tie the two topics together in his comment.

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- Jeff also shared some of Marilyn’s concerns about making a comment specifically about .amazon because the proposed comment states that there are concerns about the broader implications, but there are also concerns about the broader implications of not taking the GAC advice.
- Jeff asked Steve if the point brought to the Public Forum could be broader: GAC advice response should be put out for public comment.
- If Steve mentioned concerns about one side, it would sound like the BC is leaning in one direction, and Jeff believes there are concerns on all sides of that issue.

Steve DelBianco:

- Steve proposed this language: Some BC members have concerns about legal precedent created by accepting GAC advice on .amazon?

Marilyn Cade:

- Marilyn expressed concerns in regards to mentioning individual applications.

Steve DelBianco:

- Steve noted this was their deal with J. Scott Evans.

Sarah Deutsch:

- Sarah noted that there’s going to be a communiqué coming out later today and she would like to ensure that if it includes good things, the BC supports the GAC.

Gabriela Szlak:

- Gabriela noted that E-Instituto, as a Latin American member, will find it hard not to speak up at the public forum in the opposite direction as the proposed language by Steve regarding one specific application, noting they are not part of this consensus.
- When Steve will mention “some BC Members”, everyone will just hear BC.
- Gabriela does not agree with this approach.

Elisa Cooper:

- Elisa does not think there are issues with stating that there are some members that have an issue on this application. There are some members that have an issue the other way, but Elisa thinks there is nothing wrong with saying that some members are concerned about this because some members are.

Marilyn Cade:

- Marilyn noted she understands that some members are, but there are some members who disagree with the BC appearing to take a position about a particular name.

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- A compromise was reached in the closed meeting the previous day, to Marilyn’s understanding, that the BC would say that some members had concerns about geo names and about singular vs plurals.

ACTION ITEM: Steve DelBianco will write back to J. Scott Evans and Fred Felman asking if it was their understanding that the word Amazon needed to be mentioned, or does geo names suffice. He will ask them if geo names can be accepted as a compromise.

Jeff Brueggeman:

- Jeff noted that the other solution is to say more and to say some members are also concerned about the broader implications of how ICANN responds to GAC advice. The BC could acknowledge how complex this issue is on both side.
- Jeff expressed his concern in only stating a pretty clear concern in one direction. He agreed with Sarah Deutsch regarding supporting GAC advice, and noted that the danger in this comment is that it could be misinterpreted as if the BC was only criticizing the GAC advice when there is a lot that the BC supports both as a substantive matter and as a process matter in terms of protecting ICANN.

Gabriela Szlak:

- Gabriela asked why this matter is a BC concern and not just an IPC concern? And also, if the members that are concerned also have the possibility to maybe say this through the IPC and not through the BC.

Steve DelBianco:

- Steve answered Gabriela’s question: this was the arrangement made by BC members in the closed meeting held on Monday in Durban.

A BC Member (unrecognized by transcriber):

- A BC member suggested a possible variant on Steve’s language: geo names such as .amazon, to make it more general.

ACTION ITEM: Steve DelBianco will add “geo names such as .amazon” to the comment. Steve will draft a comment including all advice and comments by BC members and circulate it to the BC list.

Budget:

Chris Chaplow:

- Regarding ICANN Budget, Chris noted that there are a few items which might be of interest to BC members. There is still one reply round and then the budget is going to be confirmed by the Board Finance Committee on the 7th of August.

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- A couple of exceptional items are being added: One is \$3-1/2 million for the panels, and \$700,000 an ATLAS II.

ACTION ITEM: Steve DelBianco noted that Chris Chaplow will work with him to circulate talking points to the membership regarding inadequate information in the proposed budget, the need for a half day meeting with the finance team where the decision makers are present, a comment on the 3.5 million on the five panels, secretariat support and outreach.

BC Members discussed the budget, the discussion regarding the budget with Fadi Chehade during the CSG meeting with the Board, outreach, secretariat support, expressing their personal opinions about these topics. For more information please consult the transcript, pages 18-28.

Open Board Meetings:

Marilyn Cade:

- Marilyn noted that BC members discussed the call for returning to at least one open “real” board meeting. Currently the board meets in front of the community and announces the decisions they’ve taken and read resolutions and thanks the host.
- Marilyn is referring to board meetings that are 3-4 hours long, with substantive discussions in public.

BC Members had different opinions and concerns regarding the wording of this request. Marilyn will draft a comment and submit to Steve for review.

SSR Comment Summary:

Jeff Brueggeman:

- Jeff noted that the pointed question the BC should ask it was clear that they made recommendations that range from delaying the delegation of potentially conflicting streams to identifying consumer and end user issues that would result from this.
- So we need a clear handoff from the SSAC to a group that is going to manage what comes next and how ICANN is going to deal with this issue.
- Jeff noted that the urgent issue is figuring out which of the recommendations are going to be adopted and who’s going to be responsible if they don’t delay for making sure that the consumer issues and user issues are addressed.
- There also was the SSAC on interdisciplinary issues about the new domain name program and this touches on a number of points that they made in the SSR review about making sure that there is a clear linkage of what SSAC is doing into ICANN and follow through on that.
- Jeff added that they had also called for a more comprehensive review of the SSR implications and the new domain name programs.

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- So the question would be: we’d like to see clear next steps on the follow through and the decision making and the implementation of the SSAC guidance which the SSAC has clearly said is advisory only and that they are not the party to be responsible for that implementation step. So who is and how is that going to happen?

ACTION ITEM: Marie Pattullo will circulate the transcript from the live feed of the GAC interaction currently going on, in regards to the geo names, prior to Steve’s circulation of language on the subject.

The meeting was adjourned.