

**ICANN**

**Moderator: Brenda Brewer  
January 15, 2015  
10:00 am CT**

Coordinator: The recordings have started.

Brenda Brewer: Thank you. And good morning, good afternoon and good evening, everyone. Welcome to the BC Members conference call on Thursday, January 8, 2015 at 1600 UTC.

On the call today we have Angie Graves, Andy Abrams, Cecilia Smith, Jimson Olufuye, Gabriella Szlak, Steve DelBianco, Aparna Sridhar, Rich Friedman, Ellen Blackler, Elisa Cooper, Marilyn Cade, Barbara Wanner, Jim Baskin, Phil Corwin, Carl Schonander, Samantha Demetriou, Andrew Harris,

J. Scott Evans: This is J. Scott. I'm here but I'm going to go on mute because I'm walking to my office.

Brenda Brewer: Thank you very much. And we also have Laura Covington, David Fares. And apologies from Michael Maoz, Alain Bidron, Jamil Zahid, and Jacquelynn Ruff. And I'm joining as well, Brenda Brewer.

I would like to remind everyone to please state your name before speaking for transcription purposes. And I'll turn the call over to you, Elisa. Thank you.

Elisa Cooper: Thanks, Brenda. And, as always, thank you for everyone joining today's call. I want to actually move the agenda around a little bit. I know that there have been some concerns that we haven't gotten to the Finance and Operations update so I'd like to switch around the Finance and Operations update with the CSG update if that's okay for folks?

I also want to provide you with a few updates of some recent events starting off with the fact that I recently attended a call with Westlake Governance. They are wrapping up their interviews and they wanted to speak to the chairs. And I spoke with them and I shared with Westlake Governance our perspectives and our positions on the GNSO structure - and this was all based on our past positions. And so I think even though the information won't necessarily be attributed to the BC per se, it will make it into their report.

I also want to let you know that next week Fadi will be having his SO, AC, SG, C call and if you have any particular items that you would like me to raise with Fadi or questions for Fadi please let me know and I'll be sure to ask those in that call.

I also, unfortunately, want to let you know about a very unfortunate occurrence which happened, I believe it was maybe a week ago now. And I think that Jimson will be able to provide further information about it. But the BC Website did experience a breach and content was posted to the BC Website. It was for - I'm assuming it was probably used for a phishing scam. The content was content around pharmaceuticals.

I believe that the breach occurred due to credentials being compromised and those credentials used to access the Website via WordPress. I believe that those were compromised and that's how content was posted to our site. But Jimson I think will probably be able to provide further information and specifically what we're doing to harden the site.

I think, also, I think all of you know we're currently in an election cycle. The election will close, I believe it's a week from Monday. Then there will be another election for the GNSO councilor position. And that will actually open on the 16th and will close on the 23rd.

So those are my updates. Any questions about anything that I've just covered?  
Steve.

Steve DelBianco: Thanks, Elisa. I was just going to volunteer to move the policy update and potentially Gabby would move the Council update until after Finance and Operations since we rarely leave enough time to get that fit in we're happy to have that deferred.

Elisa Cooper: Thank you. Any other questions about any of the updates? Okay so actually if we can switch around and move on to Jimson. Over to you.

Jimson Olufuye: Thank you very much, Elisa. Again, happy new year everyone. We got to the breach, as Elisa mentioned, yes. Website was hacked. That was (two) credential on the most likely it was (unintelligible) compromise. So the (FCP) password has been changed. And then we working on getting quotations so that we can secure it for that.

I want to thank Chris Chaplow for his support in this regard. We intend to secure it for that to ensure that if DNS (unintelligible) fortified and we can also have (PTI) to group it into.

So we're working on (unintelligible) with it (measure) now as we (unintelligible) to clean it up and also (unintelligible) is required so basically password has been changed. And then we are moving forward to securing it further. So that's what I will say on that.

And maybe I could just (unintelligible) opportunity to mention that financial (unintelligible) is still as it was in my last statement or in my last report to the BC. And looking forward to more active activities and (unintelligible) in 2015. Thank you very much.

Elisa Cooper: Any other questions for Jimson?

Marilyn Cade: Elisa, I don't have a question for Jimson but I had a question about a different topic. Could I go back to it? It's Marilyn.

Elisa Cooper: Sure, Marilyn. Go ahead.

Marilyn Cade: Thanks. I just wanted to thank you for your reminder that there'll be a discussion between the chairs with Fadi and ask if you could clarify the timing for us since Fadi will also have 75 minutes on Tuesday morning with the CSG representatives, there's dial-in and Adobe Connect for that. And I wondered just timing wise how that might fit together. Thank you.

Elisa Cooper: Okay let me pull up on my calendar the exact time but I believe the call is scheduled for a Thursday. So if you have questions that come up after your

meeting with him on the Tuesday if you can send those to me I think that will still work.

Marilyn Cade: Thank you. When we talk about the intercessional let's make a priority so we can get back to you for that.

Elisa Cooper: Sounds great. Thanks. Other questions, comments, thoughts about anything so far? Okay great. If we can turn it over to you, Steve?

Steve DelBianco: Thanks, Elisa. Brenda, are you able to put up the policy calendar?

Brenda Brewer: Yes, I will.

((Crosstalk))

Steve DelBianco: Thank you. And members on the call, I emailed this out yesterday. When I emailed it they did not yet publish the Council agenda and motions for the January 15 Council meeting. The link I had in there was the link that would have worked if they kept their same format but they have changed - ICANN has changed the way they refer to the URL for the agenda.

So Gabby, our councilor, has sent around a separate email to BC list with a link to the agenda. And when I finish up Channels 1 and 2, then Gabby and Susan can take us through the Council agenda.

So on the three at the top that we filed recently - thanks to Aparna for leading the draft on our comments to the Community Working Group, or CWG, on the Transition of Naming Related IANA Functions.

We sent that in and we were joined by a few other groups, namely the ICANN Board, if you can believe it, and the ALAC, in having serious concerns about a separate entity - a brand new entity called Contract Co which we felt over-complexified things and didn't necessarily solve the accountability problems.

We left open the idea that maybe the Cross Community Working Group on Accountability, looking at broader ICANN accountability, could address a lot of these issues better than perhaps a separate group like that, a separate entity.

So what I would like to do is at the end of this policy calendar I have a separate section on the CWG and IANA transition and I'm hoping that Aparna, Phil Corwin can weigh in a little bit more about the work left for them to do.

The second item we filed was on December the 24 thanks to Steve Coates for leading the draft. That was Steve's first-time draft as a BC member. He did a great job. And it was on proposed launch programs for the dotMadrid TLD. And we got those comments in on time. Appreciate that.

On December 9 we had done a letter to the ICANN Board where we supported the ALAC's concern that ICANN was continuing to do contracting and delegation of new gTLDs in highly regulated industries - we had a list of 18. Not much happened right away and the Board didn't reply to the BC but they did reply to the ALAC.

On the 19th of December they replied promising that they would engage with the ALAC but they did not agree. In fact they said they would not stop the delegations of TLDs. So the most they can hope for is to have it inform the second round - the multiple rounds.

Ron Andruff is unable to be on the call, he's traveling, but he sent me an update because he spoke about this issue with ALAC's chair, Alan Greenberg, the other day. And Alan Greenberg advised Ron that ALAC has responded to the New gTLD Program Committee with a list of representatives that they want to meet with the Board on this, so Alan, Olivier, Evan Liebovitch, Cheryl Langdon-Orr and Holly Raiche. Those are familiar leaders of the ALAC to any of you who have interacted with them.

And they've done a response letter. They're going to send those people to meet with Crocker, Markus, George Sidowsky. They haven't set a date yet. In Ron's view, fresh Board members such as Markus Kumar, who's our CSG member and Renalia, she's from the ALAC, in Ron's view that demonstrates a good faith discussion might take place. I don't know that I would be that optimistic because ICANN's Board letter suggests they have no intention of stopping or altering the process of negotiating and signing contracts and doing delegations.

So I'll stop there and see if there are any questions or comments on these three items that we filed recently.

Barbara Wanner: Excuse me, Steve?

Steve DelBianco: Go ahead.

Barbara Wanner: Hi, this is Barbara Wanner. I just wanted to say that while we didn't mention concerns about the Contract Company in particular, USCIB submitted comments concerning the naming functions that were designed to be high level but also to be in concern with the thinking of the BC.

We worked closely with Aparna and Sarah Falvey on these comments so that in particular we expressed concerns about the creation of multiple accountability mechanisms which could encourage forum shopping, a point that Aparna had made previously. So I just wanted to note that hopefully that'll reinforce the BC's - the point that the BC made in their comments as well. Thank you.

Steve DelBianco: Hey thanks, Barbara. Appreciate that. Anyone else? Great. I'll jump into the current ICANN public comments. I've only got about five of them that I'm going to mention on this call to see if we could recruit some volunteers.

The first one is pretty much over, it ends tomorrow, and it's the reply comment period on the Board Working Group's report for the NomComm. As you recall the BC filed substantial initial comments back in November. Great work by a number of folks on the BC.

And we understand that GNSO Council, and I would look to Gabby and Susan to clarify on this, the GNSO Council took a letter that was drafted by John Berard - getting a little echo. Brenda, should I stop to have you fix that?

Brenda Brewer: We are trying to locate that. I believe whoever just joined to the Adobe Connect has their microphone on.

Steve DelBianco: You do not want to have your telephone and your Adobe Connect microphone running at the same time. Shut one or the other off please. Shut off the - mute your speakers. Great. Thanks very much.

So the reply comment on the Board Working Group for the NomComm - John Berard had drafted a letter that Council used to base their own letter on. There

were a few edits that Avri Doria made. But it substantially kept the concerns that the BC had raised about the Board Working Group report.

Gabby and Susan, can you weigh in on whether the Council is prepared to do that? I know you were going to vote on it earlier this week.

Gabriella Szlak: So can you hear me because if not I should call in because I'm using the Adobe.

Steve DelBianco: We hear you.

Gabriella Szlak: Okay so good. Yeah, the - this was the first time that the Council voted outside of a meeting so it was a different kind of voting. We voted (unintelligible) ballot. And the results are already here and the motion passed. So this report will be published which is good because, as you said, it was written by John and it's absolutely in line with all of our views on this report on the NomComm.

I'm sorry, I'm not sure if I'm answering your question because I was trying to solve the problem of the muting and unmuting when you asked me the question. Is this what you were asking me?

Steve DelBianco: That's right, Gabby.

((Crosstalk))

Gabriella Szlak: Oh excellent.

Steve DelBianco: ...have been reinforced by Council and I think we'll leave it at that. We had hoped earlier that perhaps - we had two volunteers, J. Scott and Ron Andruff

who said they would look at all the other comments that had come in to see whether we should do a reply comment. But there's only one day left in that period and I don't think it's worth pursuing. And I also don't think Ron or J. Scott are on the call.

So let's move on to the second. The dotJobs sponsored TLDs has been around nearly 10 years. And it's time for them to renew their Registry Agreement. This is a gTLD that's - a sTLD we call it - that's had a lot of ups and downs as it figured out its mission and adjusted its marking plan.

And at this point the reply period will close in just a couple of weeks on January 20. There aren't any comments filed on it yet. On the last BC call I had asked whether some of our members who play in the space of career management, recruiting services or even verticals, a dotLawyer, dotAccountant, etcetera, if any of them have concerns because dotJobs, by changing their TLD Registry Agreement will present a different kind of a competitive concern with those of you who work in those spaces.

There was no concern expressed earlier by say Amazon and Google when I asked about that. But this would be the time to step up and start to draft a BC comment if we have any on dotJobs. Anyone on the call or in the queue have a level of concern with how that TLD is going to be run and volunteer to help draft comments?

Okay, we're not going to do one on dotJobs unless somebody steps up. Phil Corwin, I see you in the queue. Thank you, go ahead.

Phil Corwin: Yeah, Steve, I don't have a concern. I know that about two, three years ago they had actually - were trying to - they changed their mission in some way, there were objections from some private sector companies. I was just curious

whether that - if you knew that was resolved or if that change is reflected in this registry contract. But I don't have any personal concern about it. Just wanted to clarification.

Steve DelBianco: So my understanding is that dotJobs was help in breach of their registry contract because they changed the way they were handling second level domain names in a way that suddenly made them a competitor with a lot of other job search and career firms that had earlier been part of the sponsor group.

They have gone through a number of review processes with ICANN as a contract enforcement and breach issue. And I really believe that part of this new agreement is to open the door to the same kinds of second level domains that they prefer to sell so that they wouldn't be in breach.

Phil Corwin: Okay. Thanks for that clarification.

Steve DelBianco: Right, Phil. And I don't have too many specifics on it. It hasn't been something the BC has followed too closely. But I did think some of the BC's level of interest would change with so many companies getting engaged in their own TLD.

All right, we have another one - Number 3 here - which is the release of country and territory names in the dotBMW and dotMini - Mini of course is a BMW brand. These are two brand TLDs, dotBrands. The reply period closes on the 23rd of January. And this is the last of those comments where there's both an initial and then a reply period.

As most of you know the 2015 comments that are set up are going to be a single comment period of longer duration. So for instance, the translation of

contact data is one of these that closes of February 1. But it's a single comment period rather than both an initial and a reply.

Okay so back to BMW and dotMini, is there anyone in the BC who has a level of interest in examining how they want to release country and territory names there? I bring it up because many of you are interested in releasing country and territory names in your own dotBrand gTLDs; something the Brand Registry Group has tried to achieve in a sort of blanket approval way without much success from the GAC.

So it could be that BMW and Mini will pave the way for some things that would be helpful to those of you who have your own brand TLDs. I'll take a queue on this one. Who's interested?

Do we have members of the BC who are also part of Brand Registry Group that can enlighten us at all? And just as I say that David Fares put his hand up. Go ahead, David.

David Fares: Yeah, I was going to say I do have some colleagues that participate in the Brand Registry Group and I would check in with them and see if they might be interested in looking into this. I don't participate in the BRG.

Steve DelBianco: That's right. And none of us are supposed to be in two, and I understand that, but some of you have companies that also have a couple of dotBrand TLDs. So we want to be supportive of our members but retain the perspective of the BC only, not the respective registry operators.

David Fares: Right. Indeed.

Steve DelBianco: There's still room there - there's room there for us to be supportive like we were on many, many things that had to do with dotBrands in the new gTLD program. David, I'll ask you to do a quick check on that. If you have anything that you can bring back to us we would do it quickly so we could begin developing the comment in time for January 23. That okay - okay by you?

David Fares: Yeah, yeah, sure.

Steve DelBianco: Fantastic. Thank you, David. All right folks, Number 4 is the contact data that shows up in Whois or EWG - there's a discussion of that data that is in scripts other than Latin. And when it's a script other than Latin and it's entered that way the question is should there be translations and transliterations on how it is displayed on client side code?

There was a PDP initial report, PDP is Policy Development Process, the initial report is prepared by staff. I put a link to it here. Comments are due February 1. We have a number of folks on the call, Susan Kawaguchi in particular, who are very strong on the Whois issues.

And while the workload of a councilor might not permit you to draft the entire comment, I could say, Susan, we'd be grateful for your first look at this translation PDP initial report and a first look at the accuracy study report indicating where you think the BC has areas of comment. I'll be glad to help by researching all prior BC submissions on things like transliteration of contact data and accuracy of Whois.

But what we need are rapporteurs in the BC who would take the lead on the comment with support that I could provide. Anyone...

Susan Kawaguchi: Steve, I...

((Crosstalk))

Steve DelBianco: Go ahead.

Susan Kawaguchi: This is Susan. I'm not on Adobe Connect anymore. I can take a first look at it; I can't draft mainly because I'm going on vacation in a week and a half and I'm not working while I'm gone.

Steve DelBianco: Susan, before you leave could you do a first look? You can just send me your thoughts in no particular order, and that will help me start the process of guiding and finding others to help draft it.

Susan Kawaguchi: Okay.

Steve DelBianco: Who else - thank you. Who else on the BC list has some experience and concern with Whois data that can be helpful on Items 4 and 5 on the screen in front of you?

J. Scott Evans: Steve. This is J. Scott Evans. I have been on the call. Unfortunately these calls are terribly inconvenient for me because I'm in commute so I have to be on mute for the first 15 or 20 minutes. So let me just go back and address a couple of things.

First, I don't think there's any need for us to file a reply comment with regard to the NomComm. I think we sufficiently said what we had to say and there's no need to respond. I think most of the people who are aligned with us, there are some who aren't, but I don't think there's anything we can say that would better enunciate our concerns that we have already done.

Secondly, with regards to the release of country code domains and dotBMW and dotMini, I'm happy to look at that because I think that's a very important issue. While we're not an applicant, I think for trademark owners that are applicants and for other applicants it's a big issue and I'm happy to look at that and take the lead on that. Did you say that was due February 1?

Steve DelBianco: Twenty-third of January is the end of the reply period.

J. Scott Evans: Okay. Okay so when do I need to have a thing - something to you so that you can circulate it to the group? I need to know what my deadline will be.

Steve DelBianco: Thanks, J. Scott. I appreciate it. As always you step up so many times as a drafter. Over the weekend - I'd say Monday.

J. Scott Evans: Okay. I'll do my very best to get that to you. I'm going to the Names Con but I have some time on planes where I can do some drafting.

Steve DelBianco: Fantastic. Earlier on the call, you may not have heard this, but David Fares is going to check with his colleagues...

((Crosstalk))

J. Scott Evans: I did. And, David, if you will point anyone in my direction that would be great.

David Fares: Will do. Thanks, J. Scott.

Steve DelBianco: And, J. Scott, we - I think we agreed, I don't know whether you were on the phone or not - but we agreed it wouldn't be necessary to do yet another reply

comment on NomComm but we did note that many of our arguments, which you helped to draft, ended up in the Council's comments.

J. Scott Evans: Yes they did.

((Crosstalk))

Steve DelBianco: Fantastic.

J. Scott Evans: And that's just because we had such a great group of people from all throughout our constituency that stepped up and helped us draft those comments to thank you to everyone, Aparna, Ron and everyone who reviewed and did that and Steve for coordinating that.

Steve DelBianco: J. Scott, are you finished there?

J. Scott Evans: I said - I think the reason...

((Crosstalk))

J. Scott Evans: Yes, I'm finished. You can go. I'm sorry.

Steve DelBianco: Thank you, J. Scott. And the last item up here is the Whois accuracy pilot study project. And this gets back to the BC's request that ICANN try to do policymaking based on facts, not always on conjecture and arguments. And true to that ICANN had commissioned a pilot study on the accuracy of Whois data.

That's come back in and it's time to comment on that so they could move to the next level of the study. Whether it's the Expert Working Group on

Directory Services or whether we still call it Whois and whether it's thick or whether it's thin, the notion of whether it's accurate and what it's used for has always been core to the BC interests.

So what would be very helpful is that any BC member with experience at using Whois to track down cyber-squatting, fraud, boxer zombies or managing the Whois in a way that they've needed to reach someone and discovered that inaccurate data made the Whois useless, this is an opportunity to do a relatively modest amount of review on the pilot study report.

And I believe that Susan and I can really help to shape your concerns into a cohesive comment from the BC. So I'm looking for a volunteer.

Susan Kawaguchi: Steve, this is Susan. What was the dates? I think you sent me an email about this. What was the date that comments are due?

Steve DelBianco: That one is the 27th of February so it's quite a ways off, Susan.

Susan Kawaguchi: Right.

Steve DelBianco: It's under the brand new comment structure of ICANN where there's just one longer comment period instead of an initial and a reply.

Susan Kawaguchi: Okay. I can take the lead on that on drafting it if someone else can sort of, you know, chime in too and make sure I hit all the relevant points.

Steve DelBianco: Thank you, Susan. So you said...

((Crosstalk))

Steve DelBianco: ...you're leaving on vacation and - do I hear another name?

J. Scott Evans: Yeah, J. Scott will help with that.

Steve DelBianco: Thank you, J. Scott, as usual.

J. Scott Evans: I have the...

((Crosstalk))

Steve DelBianco: Who else can...

J. Scott Evans: ...that can help us.

((Crosstalk))

Steve DelBianco: Looking for...

((Crosstalk))

Jimson Olufuye: Jimson is also (unintelligible).

Steve DelBianco: Great. I see Angie, I'll put you down as well. Anyone else?

Jimson Olufuye: Yeah, Jimson.

Steve DelBianco: Cecilia Smith, you did note in the chat that you're going to reach out to David Fares a little bit on the BRG, that's the dotMini, dotBMW topic, if you don't mind.

Marilyn is noting that in the discussion of Whois accuracy the BC can, if possible, mention that security, stability and resiliency are affected by your ability to contact a domain name owner who may not even know that their Website happens to be hosting a denial of service attack for instance.

So in cases like that when they've put Mickey Mouse as the technical contact Whois comes up short; it's useless to us in those situations. Marilyn, I'm assuming that's what you meant by that?

Great. And, Angie, thank you. I'm going to now turn it over to Susan and Gabby. I realize both of you might be disadvantaged in the communications angle here because the Council agenda is still - I am still unable to open the Council agenda from the community wiki page even using the link that Gabby has pasted.

Let me ask real quickly, are any BC members able to open the link that Gabby has pasted for the summary of the Council agenda? I'm going to put it in the bottom of the chat. And I'm unable to retrieve that.

David Fares: I'm unable to as well.

Steve DelBianco: Gabby, your hand is up and give you wish, go right ahead and speak. Gabby, we're not hearing you. Then I will move on to Aparna, and I'm assuming David Fares, your hand was up from earlier, but if not...

David Fares: Yes it is. I'll put it down, sorry.

Steve DelBianco: Thanks David.

((Crosstalk))

Woman: Yeah, I was just going to say that I can open it so if you want me...

J. Scott Evans: I can too. This is J. Scott.

Steve DelBianco: Interesting.

Barbara Wanner: I can open it too. This is Barbara.

J. Scott Evans: I'm using Google Chrome just to give Aparna a shot in the arm.

((Crosstalk))

Susan Kawaguchi: So Steve, this is Susan. I'm not sure - I think Gabby is having technical problems. And I am not driving but on the road so I can give a short update that Gabby prepared earlier. And I want to thank Gabby for that because the agenda came in early, early morning, night for me so she - when I woke up this morning she had done a nice summary.

And I think everyone - we talked about the results of the voting on the John Berard draft so that's settled. And then the Council will receive an update on the status and activities of the IANA transition and the CCWG on Accountability. And so we'll have a discussion about that on the next call.

We are still working on some work on the name collision issue and responding to a letter from Cyrus from ICANN asking if we want to have more policy work done.

Just on sort of a personal note, a Facebook note, we just received an invoice or a statement of a price for a sunrise - the second sunrise period for a name

collision domain Facebook.pop and they added \$30,000 in fees to register the domain name.

So obviously they're trying to pass that off to the trademark owners the additional fees that it's costing to run the name collisions sunrise, which seems outrageous and unfair. So I brought that to the attention of the small working group of the - on the Council.

J. Scott Evans: Seems to me that ICANN should pay for that. This is J. Scott. They caused this problem because they rushed things forward...

Susan Kawaguchi: Yeah.

J. Scott Evans: ...if they're (unintelligible) costs they've got billions of dollars sitting in the bank, they should just cough it up.

Susan Kawaguchi: Well...

Steve DelBianco: Susan, if you do not...

((Crosstalk))

Steve DelBianco: ...during sunrise - if you don't pay that exorbitant fee during sunrise then you would have to buy it on general public availability is that correct?

Susan Kawaguchi: Right. But you know what I'll do, I'll wait and file a URS, we get it for \$500 or whatever. So or - yeah, no I'm actually...

((Crosstalk))

J. Scott Evans: But there's a general perception that trademark owners and businesses are being held ransom. That is difficult for people to swallow.

Susan Kawaguchi: Yeah. So I think we have some more we can do and to also make sure that we've learned our lessons from this round in the next round. So there should be definitely more structure to the name collision issue. And it just seems - it seems like it was too broad and very, I mean, they just put everything on the list. The amount of names on the list seems ridiculous.

And then, let me see, on - it will be - there was a Board resolution on the future gTLD application rounds. And I apologize, I had not had time to read her summary. So will discuss the draft letter that has been prepared and hopefully send it.

And I think that's about it.

Steve DelBianco: Thanks Susan. For all of you on the call, you realize that every two weeks when we do these calls we insert all of the highlights and the motions from the Council agenda because they are supposed to have it in 10 days before a Council meeting. But as I said when I mailed this around yesterday they still hadn't posted the motions. And now that they are posted I can't read them.

So thank you Susan and Gabby. And apologies that we weren't able to put this in front of you the way we always do on our regular calls.

Marilyn, before I turn to Channel 3, the CSG, which I believe you can address the intercessional as well, I'd love to just jump to the bottom of this page and talk about the accountability working group and the IANA transition and then we'll turn everything back over to you.

Brenda, are you able to scroll please? Thank you very much. Now I'm on CCWG on Enhancing Accountability. A little bit further please. Great so...

Gabriella Szlak: So...

Steve DelBianco: ...two topics here, the first is...

((Crosstalk))

Gabriella Szlak: Sorry, this is Gabby. Can you hear me now? I'm sorry, this is Gabby.

Steve DelBianco: Yes, Gabby, do you have anything you wanted to add to Susan's extensive report on the Council agenda?

Gabriella Szlak: Yes if possible. I'm so sorry that you couldn't hear me before. I'm really sorry about that so, just wanted to say that regarding the new gTLD issue that Susan was mentioning that the Board adopted a resolution and the planning for future new gTLD applications and so they asked that GNSO Council to give their input and define and believe if there's policy advice that we can give or clarify to them.

So I think it's important that we can share with you after this call a letter that we are supposed to be analyzing during the next call and sending to the Board on this issue.

Because all the issues there are in that letter are relevant to us, for instance, it's about name collision that we were just talking about and string similarity, RPMs, of the things that we were concerned about on this round and we are going to start working on this also with the Board and this discussion group that has been formed.

And I wanted to know if we have any members of the BC in this discussion group because I'm not aware if there are these members involved in this discussion group. And if there's not maybe we should find some volunteer that would like to join this discussion group on new gTLDs. That's all I wanted to add. Thank you, Susan. I'm so sorry that I couldn't cover for you.

Steve DelBianco: Thank you, Gabby. There was some discussion at the Los Angeles ICANN meeting of a discussion group. And I do believe that Ron Andruff and Phil Corwin have participated on a few of their meetings. Phil, if you're on the line can you correct me on that?

Phil Corwin: You talking about the transition group, Steve? The IANA group?

Steve DelBianco: No, the - discussing - remember that Bret Fausett on GNSO had pulled together an informal group to discuss the next round of new gTLDs.

Phil Corwin: Yeah, and I'm sorry for not hearing the question the first time. I actually was typing a comment in the chat box what you are talking. I really can't comment on that. Those calls have always been scheduled - there's just been two or three of them. They were always scheduled on a Monday morning where I have a long-standing conflict. I haven't been able to...

Steve DelBianco: Okay.

((Crosstalk))

Phil Corwin: But I would say I agree with the comment that J. Scott just put in. And from what I'm reading in the, you know, domain blogs this - the program - the market is already so oversaturated with lack of demand of any appreciable

degree for the majority of these new TLDs that I'm not sure there will even be much applicant interest in the second round. But certainly if there is a second round some modifications need to be made to prevent extortion tactics and other things.

Steve DelBianco: Okay, thank you. So let me turn to Stéphane Van Gelder and Ron, both of you were the ones who have attended a couple of those meetings. What would you share with the BC about what they're up to? Not hearing you.

Gabriella Szlak: Okay, this is Gabby, just to add that what I will do is I will send this letter to the BC list for everyone to see because it's going to be discussed in the next Council call. So if there's any input that you want to give Susan and I that would be great.

Elisa Cooper: Actually, Steve?

Steve DelBianco: Go ahead.

Elisa Cooper: There is a colleague of mine who is participating in this discussion group, not on behalf of the BC, in his individual capacity. But I can tell you that much of what he is contributing to the group is probably, you know, this is all stuff that's in the interest of business and the BC members so Mark Monitor is looking at this group and participating.

Gabriella Szlak: Excellent.

Steve DelBianco: Then, Gabby, I'm going to ask you to do your best to send around to the BC list - I think you should use BC private - and indicate everything you know about their current status and what is expected to come up at Council on the 15th.

And then I would ask Stéphane and Ron, since you've been attending some of their meetings, two reply all with your perspectives. And then, Elisa, anything you can learn from your colleagues that would help us understand where we have quite interests, could you reply all with that?

Gabriella Szlak: Excellent. Thank you so much.

Steve DelBianco: No, thank you, Gabby. Appreciate you clarifying on that. All right, I'll quickly cover what's on the screen in front of you. Currently the CSG, or Commercial Stakeholder Group representative to this cross community working group on enhancing overall ICANN accountability. We've had five meetings of two hours each and quite a bit of list traffic in between.

The chairs had asked me early on to chair the group - the work area group that's doing a documentation of all the potential new accountability mechanisms. Because the BC had done so much work on that we were able to come out of the gates quickly. And it's an extensive list now. And there's a hyperlink to it here on the screen. I don't need to bring it up for you.

We are featuring elements of redress and review, bringing be Affirmation of Commitments into the bylaws so that it can't be quit by ICANN. And the BC's proposal for creating a permanent cross community group, call it a member group, that would be able to review and potentially overturn board decisions, refer things to an independent review panel and potentially (spill) members of the Board.

It's very early in the work of the CCWG. Their ideas are all over the map, and their discussions are often all over the map. I'll share two highlights from this week's call.

The first is that some members were very nervous that we were proposing accountability mechanisms that ICANN's Board might not be comfortable with. Needless to say that's obviously the case.

What they proposed to do was to go ask the Board, "Are you comfortable with these measures?" And the implication there is if the Board said well, no, that we would drop them.

So I have led, on this call, a counter effort to that to say that, no, we should not ask permission or acceptance from ICANN's Board, instead rely upon the leverage that we have a link to the fact that NTIA, the US Commerce Department has said that if the community supports accountability mechanisms that are brought to the Commerce Department that we will have the pressure of Commerce to get the Board to accept those accountability mechanisms.

The Board may well have ways to make them better or to adapt them better. And that will all be fine. But the idea was that I didn't think we should ask for the Board's formal permission at this early point in the process. That view prevailed. Not a single member of the working group objected when the chairs indicated we were not going to ask the Board's permission.

And then I'll add one other point about this. In the BC's proposal for permanent cross community working group, or a member structure, the BC suggested that constituencies I do have representation there. This is consistent with what the BC has been fighting for a long time, the notion that the BC, the IPC, the ISPs, the NCUC, the NPOC, that each of them have seats as opposed to artificially consolidating and crushing us into one representation.

It's not been very satisfactory because we end up taking turns with the IPC and the ISPs. And the views of the ISPs, well, they're not always consistent with what the IPC or the BC want. So that's always been part of our proposal.

It recently came to light when I simply wrote the word, "AC SO and Constituency" and at that Robin Gross of the Non Commercial Stakeholders Group, took up the challenge to say that they would oppose giving constituency level representation suggesting that the battle - an old battle that they had already won and don't want to have to fight again.

So I shared a few emails on this week you earlier this week. This may not be the time to join that fight; Stéphane Van Gelder gave me some political advice about that. But in any event it's too early for us to develop opponents and attract opponents to our proposal when we haven't moved this working group really beyond chaos.

Hopefully that chaos will clear up a little bit when we have our first face-to-face meeting in a little over a week, it's in Frankfurt, and I'll be going over for that. I'll stop there, take a queue, and then turn it over to Phil Corwin and Aparna to talk a little bit about the CWG. Any questions? Elisa, I see your hand up.

Great, I'm going to turn it over to Phil Corwin and Aparna. And, Brenda, could you please scroll up to the CWG on IANA Transition. Up. Thank you very much. Phil and Aparna, anything you'd like to add?

Phil Corwin: Yeah. Yeah, well not to add to - and you're doing a great job on the accountability, Steve. And I would be very concerned if the ICANN Board happily embraced everything that was recommended on accountability. I would view that as falling short of what's needed.

On the - I've been closely following as much as I can the CWG on IANA Transition. They've had a very - and I've been participating both and calls of the full group as well as the RFP 3 which is on the actual details of the proposal and RFP 4 which is on the transition aspects.

And as Steve noted, I published an article at CircleID on Monday so if you really want to know - it provides a summary of the key comments and where this thing stands.

But, the bulk of the public comment, and of course there is no reply period on its, is that while there was general support for what they have proposed, the four-part proposal, there was not majority support for Contract Co and there were a lot of questions about Contract Co; funding, jurisdiction, membership, all of that.

But the vast majority of the comments said this one we can't really comment knowledgeably without more detail, and, two, we can't give a final judgment until we see what the accountability group is coming up with because they're interrelated and we can't judge one without the other.

The CWG is continuing to plow ahead very rapidly. They've scheduled three two-hour calls this weekend because they're required by the ICG to deliver their final report one week from today, January 15, which to my mind is nuts because they really - one, they are doing an internal survey of members to try to figure out how to respond to the comments.

And they've spent a lot of time - I don't want to say arguing but vigorously discussing the way that survey is structured and if it's meaningful. And they can't - without putting that revised and more detailed proposal out for

community comment, which they don't have time to do, they can't possibly claim that it has community consensus support.

And of course it can't - we can judge how it relates to the work of the accountability group because the initial result of that work are months away. So to me the whole process and many of the commenters, it's disjointed, it's not working properly, it's running too fast.

Also I just circulated to the list a little while ago - I just got a notice in the last hour that ICANN published a revised process for the ICG, which is assembling the - and is going to coordinate the separate reports from the naming protocols and number groups. And they're only giving themselves a month to do all of that. So this whole thing is rushing along very rapidly and without coordination with the accountability work.

One other thing I wanted to mention, I was somewhat surprised at first, there's extensive Board participation in these processes. Now on the accountability group the liaison is Bruce Tonkin and he's tried to have a light hand in be kind of more informational and not steering.

I can't say the same for the transition group where Steve Crocker has been very actively involved and pushing back against their proposal and the wording of the survey and a lot of other things.

And I think I'm just concerned that - I think it's good to have Board liaisons to answer questions about how the current process works, and of course maybe to answer the kind of questions from the accountability group. But at a certain point it starts where the Board is trying to shape the proposal it's going to receive and have to give judgment on.

So I'll stop there but that's what's going on with this very tasty process that's decoupled from the accountability process.

Steve DelBianco: Great summary. Great summary, Phil. I want to make sure we leave enough time for Marilyn to talk about the intercessional next week. Any other comments or questions on CWG? Thank you. Marilyn, over to you.

Marilyn Cade: Are you able to hear me?

Elisa Cooper: We can hear you.

Marilyn Cade: Okay. I think I need to hang up on Adobe Connect so there's no echo, so let me do that. Let me talk first of all, there's two quick issues that we need your advice on. And Elisa and I have been on CSG planning calls, preliminary planning calls for the Singapore meeting.

So you know, Elisa has sent out - we've asked for feedback from members, but we need to come back again to you for your final input on who the breakfast would be with on Tuesday morning. I just want to park that right now.

We had a CSG call recently and there's no - so the categories for consideration are the ALAC, the ICANN staff and the ccNSO. And the ISPs and IPC are supposed to come back on Friday.

The issue about breakfast with the GAC is that Europeans are not available, there is a separate request into the GAC about the possibility of a face-to-face meeting outside of the breakfast. And I'll ask Elisa, I think when we last contacted each other there had not been a confirmation from the GAC confirming that.

But for the breakfast we should be thinking about the ICANN staff, the ccNSO and the ALAC. And we need to come up with our number one, number two, number three priorities because we need to merge with our colleagues.

Can I just quickly hear - we've heard from people online. I will just say it's very difficult probably to get the ccNSO at this late date. And ccNSO is typically a fairly large group so that may mean we need to prioritize accordingly. We can take this up online since we have limited time. But we need final input from members on that topic.

On other topics there are some changes in the agenda including the fact that the Board meeting with the GAC seems to be moved to Wednesday morning and that may affect what we do on Tuesday. We're waiting for the final input from the staff are not planning.

And it may present a conflict for us in terms of time since the meeting on Wednesday morning of the GAC and the Board will be done in parallel to other events. We'll just have to work with that as soon as we get that information.

I want to talk about the intercessional because we need further BC input. The intercessional is a two-day meeting; it is a dialogue between the full house with eight representatives from each of the stakeholder groups plus Dan Reed and Markus Kumar who is a Board member elected from our house.

Right now the BC has four officers from today's status, that is prior to the election that is happening, and that is Steve, Jimson, Susan, and myself. And

we have four other members, Ron Andruff and John Berard, Mahmoud and Andy Mack for that two day meeting.

Each of the other groups also has that number of attendees. The...

Elisa Cooper: Marilyn, I would just like to let you know that Mahmoud will not be able to attend. He was unable to secure his visa and he wanted me to let you know on this call.

Marilyn Cade: Thanks, Elisa. So we will go forward accordingly and see if we have even the opportunity maybe to fill in with somebody local for that position. Thanks for letting me know.

The topics that we need to focus on that we need your input on, we have face time with Fadi and with Crocker in the room and Markus. And we also have time with Larry Strickling.

We've sent out the agenda to all of the members. There is dial-in. There's Adobe Connect. There will be transcripts. We'll have a little bit of challenge with having remote participation. What I had proposed we do is that we have an officer monitoring the Adobe Connect so that we can make sure questions remotely are fed in.

But in the meantime the topics that are proposed from the CSG for Fadi include, accountability, transition, but also the topic about the identity and individual perspective and leadership of the Business Constituency, the ISP and the IPC, that is not thinking about us an amalgamated group but thinking about our concerns individually.

We also are talking about other more specific issues including the GNSO review and the new gTLD round and expressing the concerns that we have about that as an individual constituency.

Other topics that are more general are about how we work together with our colleagues from the rest of the house. One of the very early topics is the GNSO review and during that topic it will be made clear that we do not find the present structure satisfactory.

We're not going to be addressing what a new structure would be but one of the things that we as the BC are going to have to deal with going forward is what do we want to see in terms of changes in the GNSO structure? But I just want to highlight the fact that - the fact we're not satisfied with the structure will be raised in this conversation with our colleagues, also with the CEO, etcetera.

Larry Strickling is scheduled and that topic is largely accountability and IANA transition. And Steve will lead on that for the CSG.

This is really about trying to find the areas of commonality so we will also be talking about the input into the ICANN budget that comes back to support the - our work. That includes the toolkit, it includes outreach financing support, it includes the fact they're funding the part time secretariats.

It's a very high level discussion but it's about trying to have commonality coming out of the house so that when input goes into the budget and the strat plan there's some consistency and we get what we're asking for.

Bill Drake from the NCSG has proposed that there be a non contracted party summit or (unintelligible) meeting in conjunction with the Buenos Aires

meeting. That will be aired as a concept. There's been no decisions. This is a high level discussion.

I'm just parking that for you all to think about because that is something that if there is general interest in it from the attendees at this meeting the BC will need to weigh in and help to structure it and make sure that it supports the business interest.

Let me pause and see if there are questions for this and then we can come back online and address how we fill in Mahmoud's seat since he is not able to attend.

Elisa Cooper: I see J. Scott has his hand raised but we also only have just a minute left. J. Scott.

J. Scott Evans: Yeah, I have a whole lot of problems with us having intercessional meeting when our chair is not going to be there. We're also having elections. And so we may have an entire different leadership group that is going to be taking over our leadership. And who's deciding what our positions are and what we say to Fadi?

I mean, I know that no one vetted with me what's going to be talked about and setting what positions we're going to be put forward. And I think I paid €1500 for the opportunity to have Adobe's views heard.

So I'm a little concerned about this. It looks like it's a very small cadre of people, some in leadership, some not in leadership, having a meeting when they may not even be the leadership that we're having. And they've not even contacted me, a member, to have a discussion about what's going to be discussed with the CEO and Chairman of the Board. I'm offended.

Marilyn Cade: Sorry, J. Scott, we've sent out the agenda. The intercessional was agreed to quite a long time ago and the choice of the dates was perhaps not ideal but it was done by a Doodle poll. Elisa and I were part of the planning team. It was two people from each of the other groups across the house.

This is a replication - sorry, this is building on an intercessional that was done a couple of years ago. The timing was not ideal. We actually accelerated our election by just a couple of weeks to try to take advantage of the fact that we wanted to be able to have the election done by the time of the Singapore meeting.

But scheduling this meeting was done quite a long time ago. It has been updated on the BC list and the intercessional agenda has been forwarded a few times.

In terms of not taking individual input from the members, I guess we've assumed that because the topic was out there that members are invited to provide their input.

On the topics with Fadi I've just laid out some draft topics and we're asking for member input on what the topics would be and also encouraging members to participate, that's why we fought to have remote participation for the meetings with Fadi. They're all in plenary so that you will be able to actually participate if you're available.

But we - I'm sorry to hear you're offended but we've - this is not the first time we've shared the agenda...

J. Scott Evans: Along with 900,000 emails I get on the BC list and from the Accountability list and from the GNSO review list and the fact that I'm supposed to put together comments over the weekend and also look at these comments and prepare my keynote speech for the Names Convention.

I mean, it's incumbent upon you all to make sure that we're hearing this. And if you're not getting responses to make sure that you call a call and you do those kinds of things. I'm inundated plus I have a day job. I don't do ICANN as my day job; I manage 14 people and do oversight for global marketing for a multi-billion dollar corporation.

So I'm - I am offended. And telling me that it's my job to read the 5 billion emails, I do the best I can to keep up, Marilyn.

Marilyn Cade: Sorry, J. Scott, I wasn't saying you should read them; I was saying we weren't aware that members had not taken note of this. What we can do is send out again just the list of topics for Larry Strickling's session and for Fadi's session and ask members to comment again on their priority for that.

J. Scott Evans: Well I'm happy to look at that but, you know, this is sort of the like the same thing to the outreach event that everyone on this list this morning just telling me there was some kind of imaginary vote but I'm seeing from a ExComm that there wasn't a vote.

So I think we've got a huge communication problem here and as someone who pays €1500 a year, I want it fixed. It's not my job to fix it; I'm not on the ExComm but I want it fixed. And you are on the ExComm so I expect you and your colleagues to fix it.

Elisa Cooper: J. Scott, this is Elisa. I agree that we do have some problems here and we actually have an ExComm call just following this call. And you can bet that this will be a topic of our discussion.

J. Scott Evans: Thank you.

Marilyn Cade: In the meantime, can we hear from anyone else about and in particular we were the constituency that insisted on remote participation and Adobe Connect and even though it's - and transcripts. And even though it's very time consuming there are particular sessions that are of interest.

And I would highlight the one with Larry Strickling, we'll put that in a separate email, just the ones with Fadi and Larry Strickling to point out that that's when, if members are available, that maybe when they want to prioritize their attendance.

Elisa Cooper: Marilyn, we're actually five minutes over and I always pride myself on keeping these calls on time. So unfortunately I think we need to end this call. And if there are other topics we should probably take it out to the list. If that's okay with you?

Marilyn Cade: It's fine, Elisa. I was just pointing out to members that we will provide that prioritized information to them.

Elisa Cooper: Okay great. Well as always I want to thank everyone for joining today's call. I think there are some open issues. We'll take them out to the list. And we'll look forward to speaking with you all again in two weeks. Thank you. And for ExComm members I believe you should stay on the line, we'll be transferred into a separate bridge.

Coordinator: This now concludes today's meeting. All lines please disconnect.

END