ICANN

Moderator: Gisella Gruber-White
October 24, 2013
10:00 am CT

Benedetta Rossi: Thank you very much, (Tonya). Good morning, good afternoon, good evening. This is the BC Members call taking place on the 17th of October, 2013.

On the call today we have Jimson Olufuye, Ron Andruff, Elisa Cooper, Janet O'Callaghan, Jim Baskin, Aparna Sridhar, Andy Abrams, Alex Deacon and Gabriella Szlak. We have apologies from Ayesha Hassan, David Ferris, Angie Graves, Laura Covington and Judy Song-Marshall.

I would like to remind all participants to please state their name before speaking for transcription purposes. Thank you very much and over to you, Elisa.

Elisa Cooper: Thanks, Benedetta. And hello, everyone. I'm glad that you can all join today because we have a pretty full house. And we have a couple of interesting things that are going on and there's been a lot of discussion as of late regarding this Montevideo statement so I definitely want to spend some time on that.

But I also want to spend some time around BA planning in particular in addition to the - sort of this issue around this Montevideo statement. I'd like to hear from members what some other areas that you'd like to discuss or have on the agenda for BA.

((Crosstalk))

Elisa Cooper: And we're already scheduled to meet with the SSAC where I'm sure the - one of the core topics will be around name space collision. And we also have some time scheduled with - as the CSG with our ISP partners and IPC partners to discuss - or meet with the ATRT.

I'd like to hear other areas that we want to have discussion around or...

John Berard: Hey, this is John Berard.

((Crosstalk))

Elisa Cooper: ...and so I'd kind of like to open that up for just a quick set of inputs from members.

Jim Baskin: For the record, who is this speaking?

Elisa Cooper: This is Elisa Cooper.

Jim Baskin: Thank you, Elisa.

Elisa Cooper: So does anybody have any particular areas that they want to make sure we're discussing or covering or any particular speakers that we might invite? I'm a little leery to have us spend a lot of time hearing from others because I would,

you know, the one thing I also want to talk about is asking Fadi or his proxy to meet with us and explain a little bit further his perspective on what it means to further internationalize ICANN and the IANA function.

So - because before I think we jump into a lot of debate and discussion about it I think it would be very useful to hear from ICANN what Fadi's perspective and what his participation in that meeting was.

Ron.

Ron Andruff: Good morning, good afternoon all. Thank you, Elisa. I thought John Berard's comments were interesting on the BC list about how we might approach this. When I hear you comment maybe having Fadi or someone represent him I would rather have obviously Fadi because anyone else would be the messenger and say well maybe I didn't get it right or whatever. You know, there could be a lot of artful dodging going on there. So I don't like the idea of a proxy.

But I did kind of like John Berard's suggestion. And I wonder if John might expand on that a little bit? Thank you.

John Berard: Sure, I'd be more than happy to. Elisa, you okay with that?

Elisa Cooper: Yeah, sure. And then Phil has a comment or question.

John Berard: Right. Right, so my thought was that we don't really know just how big, small, serious or not the plan and its effect would be. But it is important, I think, that we reconnect the discussion with the community. And if we can instigate a leadership discussion as the BC has often done in the past with the other

constituencies and stakeholder groups that would set the table I think and draw Fadi into it.

I don't think that Fadi would want to have that kind of discussion get underway without his ability to influence it. And I don't think he would send a surrogate at that point. I just think we need to be careful. I'm not suggesting that we should be accusing anybody of anything. I'm not suggesting that we should be saying idea is good or bad at this point.

But that we do, I think, owe it to ourselves and to our colleagues in the community to have a discussion about what the implications are of what we have heard and try to get a sixth sense of what's going on. So my hope here is to position the BC at a convening (all) group within the GNSO and to use that single agenda meeting in Buenos Aires to draw Fadi into the discussion so that we aren't just piecing together things based upon distant press reports.

Philip Corwin: Elisa, Phil here.

Elisa Cooper: Yeah.

Philip Corwin: Look, I think there's a preliminary question. And I'm going to be publishing an article in about two days on this. I've done extensive research on the background on this. The threshold question is there is no more major policy issue for ICANN, and this is a policy issue, then who is going to hold IANA contract, who's going to be making the decisions within ICANN? What is the role of governments with ICANN? All of that's going to be on the table at this summit in Brazil.

Fadi has essentially, in my opinion, personal opinion, gone - what he's doing is conducting foreign policy on behalf of ICANN. I think this is such a huge

policy question there's been no discussion with the community up to this point on the policy question. We don't know what, if any, role the Board has played in knowing about his activities in Latin America two weeks ago. We don't know if they were approved.

And we're heading toward a situation where a discussion will be held in Rio next May to discuss the future of ICANN in which the community will be part of the discussion but it's really going to be discussion taking place outside of ICANN.

So I think the number one question is - I don't know how to put it another way. What was Fadi's authority to take this initiative to bring global pressure for the US to surrender the IANA contract without any prior discussion with the community? And what does it mean for business going forward?

Elisa Cooper: Right, right. No I agree. I mean, I know Jim and Aparna are in the queue. I fully agree. Like these are all questions that I would like to have answered. I - just going back to John Berard's comment. I don't think it's practical for us to assume that we can get a meeting with everyone at the BA meeting because those schedules are so tightly put together. I would be leery of trying to assume that we can get that done.

I think we have a much better chance of asking for a teleconference or a tele-briefing. And then I think even more BC members could participate. So, anyway, but I agree so I understand, these are questions we need to have answered.

Jim and then Aparna.

Jim Baskin: Yeah, thanks, Elisa. I agree with Phil's comments. The questions that we need to be - that need to be asked are not what did Fadi say, although it's good to know exactly what he said and where, but it is really what is the documented position of ICANN and who is making which decisions and let's see what they are and try to get back on this track of getting the constituencies involved, getting the users involved.

                You know, to be able - to not be able to have a meeting without Fadi present, I think - because of someone's concern that they'll be able to weasel out of whatever they say because they think they weren't - they could claim they were - that they misquoted Fadi, is crazy.

                I mean, there shouldn't be any question about what the position is and it shouldn't be based on what Fadi said; it should be based on some other document that...

Elisa Cooper: Yeah.

Jim Baskin: ...we should have in front of us or they should allow us to see. Anyway that's the one thing. The other I just had a quick question. The meeting that Fadi referred to in - recently for next year in Brazil, that is the IGF meeting or is that some other meeting?

John Berard: Other meeting, brand new group.

Jim Baskin: Okay, it's not IGF? Okay because I think there's been some confusion in some - in messages that I've seen about whether that's an IGF meeting or something else. So it is not...

Elisa Cooper: My understanding is different.

Jim Baskin: Your understanding it is an IGF meeting?

Elisa Cooper: No, no my understanding is that it's a separate meeting and the timing would
                   bear that you because normally the IGF happens on this time and the meeting
                   being proposed is likely to occur I think after the (unintelligible) review which
                   is in mid-April.

Jim Baskin: Okay.

Philip Corwin: Just for the information of BC members there's a video of Fadi giving about a
                   minute and a half remarks following his meeting with the President of Brazil
                   in which, just to be brief, he says that all the world agreed with her remarks at
                   the United Nations that she is the leader on globalization of the Internet. And
                   that he went to meet her to invite her to - to invite Brazil to hold this meeting
                   that this was an ICANN initiative, not a Brazilian initiative.

Marilyn Cade: Elisa, can I get in the queue after Aparna?

Elisa Cooper: Yeah, actually, yeah. Aparna.

Aparna Sridhar: Yeah, I just want to support getting some greater clarity on these issues. I
                   think the discussion has been healthy but it's sort of inherently speculative.
                   And knowing a little bit more from ICANN folks and to the extent that people
                   talk to colleagues in Brazil who might have connections with the Brazilian
                   government I also - I imagine that it's a bit of a situation where President
                   Rousseff thinks she's getting something out of it and, you know, Fadi may
                   have a different idea.

So in general totally support the sort of need for greater clarity and information. And I just think, you know - I think the conversation among us I productive but is it at some point going to reach its natural limit without more...

Elisa Cooper: Yeah.

Aparna Sridhar: ...information.

Elisa Cooper: Yeah. So just - I'm sorry to interject, Marilyn, in front of you. But do members have a problem with me reaching out to Fadi and asking for a meeting with him to get some greater clarity? Is there someone who feels strongly that we don't want to do that?

Marilyn Cade: Elisa, it's not - it's not that I object but I just might add a couple of additional background points that would be helpful?

Elisa Cooper: Sure.

Marilyn Cade: I think we need to be aware of some timing that - and I support the need for the discussion so I'm fully supportive of the need for the discussion. But I just want to mention a couple of things that are going to happen between now and Buenos Aires.

Fadi will be speaking at the IGF on this topic in a number of places. And so maybe that's something to be aware of. Board members - there's a number of Board members coming to the IGF as well. So we might want to think about how to ask the questions and whether Buenos Aires is actually too late to ask the questions.

The second point that I would make is I've had conversations with some of the (ISTAR)s and we may also want to ask questions of the (ISTAR)s who seem to be fully on board on the principles document but we're not included in Fadi's individual ICANN initiatives with the Brazilian president.

So I think it might just be too late to with for Buenos Aires.

Elisa Cooper: Yeah, so my proposal is I'd like to reach out to Fadi like today, tomorrow, and ask for a tele-briefing with him. And I'm happy to also ask the IPC and ISPs if they would like to join us for that conversation as well. But I would like to move forward. And unless I hear from anyone that you feel strongly that you don't want to have a meeting to hear from him, I will plan on reaching out to him today or tomorrow.

I see Jim and Aparna but I think those were hands raised from before. Andrew?

Jim Baskin: Sorry, yeah.

Andy Abrams: Yes, thanks. Can you hear me?

Elisa Cooper: We can.

Andy Abrams: Okay super. First of all, thanks, I think that this is a really interesting conversation. And I agree with everybody. One of the questions that I am trying to figure out so if were to go to Fadi and ask him - if we had a chance to sit down with him - one of the things that I wanted to know is what does everybody really - what's the question we want to ask him?

Are we going to ask him what did he mean? I kind of heard that earlier in the conversation. I've also heard people say, "What's the end game?" And I think those are slightly different questions. And then there may be other questions. Is it possible for us to kind of congeal around a set of one or two questions? Because we may have a narrow window and I want us to be on the same page.

Elisa Cooper: Yeah, no I think, assuming that he's, you know, able to meet with us for 45 minutes or whatever, yeah, we should definitely get those questions together. But frankly I just need some further clarification about what does he mean by, you know, additional internationalization of the IANA function and what is he thinking?

And are we thinking that ICANN is going to become a truly international organization? And does that mean that ultimately, you know, his thoughts are that we would - the US government would no longer have that contract? I think these are all questions that are of concern to business because I think they...

((Crosstalk))

Andy Abrams: And, Elisa, those are questions of concern to me. I guess what I'm trying to get at is if diplomatically as we can, can we ask kind of - can we ask the kind of specific question that he can't give a diplomatic answer to? Because I think that's what I'm concerned about probably most is he's going to say, well, you know, ICANN is on this train of becoming more international all along and everyone (was) comfortable with that.

I think we have a couple of push points that we're all very concerned about, my thoughts as well. And I'd like to see how we can get to those push points.

Elisa Cooper: Yeah. My personal opinion is that I don't think we should be guarded. We're the Business Constituency; we have business concerns. He's the one that's participating in these meetings. And we should ask him outright, you know, what are his plans and what does this all mean?

And I am not really too concerned - if we have a phone call with him to help us better understand the situation I don't see why we should be concerned with exactly how we're phrasing the questions. I think we just need to get more information.

Because I can't - personally I can't speak authoritatively. I don't have a, you know, a fully baked opinion on this. And I'm guessing that many members don't either.

John Berard: Hey, Elisa, this is John. I'm not in Adobe so I can't raise my hand. I wonder if I might offer a comment?

Elisa Cooper: Sure, go ahead.

John Berard: All right so I think to Phil's point, as endorsed by Andy, your request for the get together can either be, hey, we're looking for more information or, B, what the hell are you doing? In your - I mean, two very legitimate approaches. I think the BC is tending to think - to coalesce around the latter.

And so really in requesting the meeting or the briefing with him it's like - and we would like an explanation of the policy basis, you know, that you're building on because we are not aware of that policy basis. I think it needs to be certainly - get him - get the invitation out as quickly as possible but I think it needs to be as pointed as that.

Elisa Cooper: Yeah, no that's great. And frankly, I don't know now if I'm stepping on
                  (Steve)'s toes but - and we're now getting into policy issues. But I think if you
                  and Andy wanted to put together a list of questions that we might pose and
                  circulate that, I mean, that would be extremely helpful.

John Berard: Yeah, I'd be more than happy to give that a whack.

Marilyn Cade: Guys, it's Marilyn. I am totally...

Philip Corwin: Happy to help.

Marilyn Cade: I am totally supportive of our doing this. But let me just say that Fadi - I think
                  we need to refresh ourselves for a minute here that Fadi has been saying for
                  some time that he supports changing the nature of ICANN to - I'm going to
                  get the terminology wrong - but it's something like he wants to be equal and
                  multistakeholderism, something of that nature which changes the role of
                  governance.

                  I do - I think we need to move ahead with this and ask all the tough questions
                  you're suggesting. But I think we also need to be aware that it's entirely
                  possible that it isn't just - if you read the Montevideo document he has raised,
                  in the - he also led the agenda for the Montevideo statement.

                  And I'm thinking perhaps he thinks he does have Board support which may
                  mean we also need to be having a plan, Elisa, to talk with the Board in our
                  CSG discussion about the disconnect between what we think of ourselves as
                  part of the community and the Board and Fadi. Because it's sounding to me
                  like he thinks he has Board support.

Elisa Cooper: I'm sorry, I actually didn't catch that very last phrase.

Marilyn Cade: Oh sorry, sorry. I said it sounds to me like he thinks he has Board support.

Elisa Cooper: Oh.

Marilyn Cade: So we may want to add this to our discussion with the Board.

Elisa Cooper: Okay. I see Jim and then Stéphane.

Jim Baskin: Thanks, Elisa. I think we have a lot of valid concerns - important concerns.
                  But whatever we as the BC do, whatever positions we come up with, whatever
                  - however we express our concerns, I think - and everybody probably knows
                  this - but I think we have to be very careful to ensure that our positions and
                  statements can be seen or will be seen as truly an international business
                  position.

Marilyn Cade: Right.

Jim Baskin: We don't want to make it sound like this is the US...

Elisa Cooper: Right.

Jim Baskin: ...you know, doing something. And we are not just a US organization. I mean,
                  there's - yeah, there's a lot of us from the US that are in the BC. But we have
                  to make absolutely certain that this can't be or, you know, there's very little
                  chance that people will be able to say oh that's just a bunch of US businesses
                  trying to protect the US interest.

Elisa Cooper: Right. Right.

((Crosstalk))

Marilyn Cade: Yeah, I'm really agreeing.

Jim Baskin: Thanks.

Elisa Cooper: Great point. Stéphane and then we might need to move on.

Stéphane Van Gelder: Thanks, Elisa. Actually Jim made my point. I was going to ask it more bluntly and say what exactly is wrong in the whole of the business community's eyes in ICANN becoming less American and more international? And I wanted John to explain that to me because he's the first person to have raised this point, I believe, on the list.

But I think Jim's just made that point very eloquently so perhaps we can move on if you're pressed for time.

John Berard: This is John. I don't know that my opposition is to being internationalized as much as it is to it being done without my notice.

Jim Baskin: Or if I could jump in...

Stéphane van Gelder: Thanks, John. That's clear. Thanks.

Phil Corwin: Yeah and Phil here. From my perspective a discussion of, you know, changing the overall structure of ICANN going forward and control of the IANA function is a perfectly legitimate discussion but we haven't had that discussion for one minute within ICANN.

And we've had the CEO go out and sign a statement declaring that it should be essentially taken away from the US and globalized and then flew to Brazil to ask the president of Brazil to hold a conference to discuss how ICANN should be restructured without any input from the community. And we have no idea what approval, if any, he has from the Board for this. So this is - the subject matter is perfectly legitimate but the process so far is extremely questionable.

Elisa Cooper: Okay. I think we have a way forward. It sounds like we'll start to look at a list of questions. I will reach out to Fadi to ask for 45 minutes to an hour at his convenience where we can speak with him. I'll look to see if the ISPs and the IPC want to also participate on the call with us. And we'll, you know, I'm hopeful that he'll be able to meet with us when it - if it's at a time that's at his convenience.

And then I would just, again, obviously this is a - I think this is an important issue for us. But if you can also be thinking especially for those actually attending the BA meeting what other topics we should be covering or that you want to spend time on whether it's related to new gTLDs or Whois, if members can just think about that or privacy and proxy. I just - I definitely want to make sure that we have a very rich agenda and one that's really kind of focused on the areas that you're interested in.

Now so moving on we don't actually - we're not actually going to have the full finance update today. We will have that next time where we hear about a reconciliation between where we are in terms of budget and plan what if any variance there is, we'll have that next week - I'm sorry, next meeting.

But I did want to kind of run through with you - I think it would be good for members to know that we have had a number of new members over the course of the last year and we haven't actually given this kind of an update so far. So

I just kind of want to make everyone aware of some recent new members in this past year.

Starting out, we had Pfizer join as a voting member, then Amazon as a non-voting member, PSW Group, then Stéphane Van Gelder Consulting, AM Global, Yahoo joined, DomainTools and I think they are a new member and Tim Chen is actually - I'd like to welcome him, he is actually on the call - General Electric and then most recently Neustar as a non-voting member.

So we'll get a full accounting of where we are in terms of our budget in the next meeting but I thought it might be helpful to hear kind of where we are in terms of membership - new members.

Any questions about any of that before we kind of turn it over to an update on the schedule for BA with the - or a schedule as it relates to the Commercial Stakeholders Group?

Okay, Marilyn, if you want to give a update on the schedule for Buenos Aires as it relates to the Commercial Stakeholders Group?

Marilyn Cade: Sure. Thanks, Elisa. I kind of feel like we're repeating myself so let me do this very, very quickly because we have some - a little bit of new news. On Sunday just a reminder that Sunday morning there's an invitation out to the two Board members for an 8:00 am session.

And we are begin coordinated this time by the IPC. So that invitation has been sent. That'll be an early morning for all of us, very small informal one-hour opportunity to meet with these two Board members.

Then in the afternoon we have a two-hour session. We have been confirmed that we have a cocktail between the CSG and the Board and the timing for that is 6:30 to 7:30. We have worked to change that to make sure that it's - will start following our CSG working session.

The IPC is coordinating the topics for the working session. And Bennie will be sending out - the Secretariat will be sending out the update on that. But we will have a packed Sunday because we also have - also going on at the same time, as you all know, we have various meetings that the Council holds with the community and they will be meeting with the Board and with the GAC on Sunday as usual.

On Monday we have the potential newcomers event that is still to be confirmed. And I don't know if Gabby is on the phone but if so she may be able to comment on that. But there may be a reception as well that is being organized by Chris Mondini that the CSG would be invited to but it's focused on newcomers.

And then on Tuesday morning we start out with the cross-constituency breakfast. We're still waiting for the GAC to confirm one way or the other. And then we have the CSG meeting. We have guest speakers from SSAC. And we have - I think, Elisa, we've also finally confirmed the ATRT if I understand that to be correct.

Elisa Cooper: Yes, we did. We are confirmed for the ATRT.

Marilyn Cade: So we'll have a busy Tuesday. Then we go to the Board, that discussion with the Board, as you all recall, has a set list of topics. I think Elisa will probably be covering that again just finalizing the BC input on what the topics are for the discussion with the Board. And then we, of course, have the BC meeting.

Elisa Cooper: All right, great. Does anyone have any questions about the schedule? And again I'll just say it again, please be thinking about which areas you'd like to cover in our formal BC agenda.

                  Anything else, Marilyn?

Marilyn Cade: No, thank you Elisa.

Elisa Cooper: Thanks. John, an update - I think you had a Council meeting on the 10th?

John Berard: Yes we did have a Council meeting on the 10th. We're moving forward on a PDP for remaining issues in the RAA discussion. There's a charter being devised for that working group. I was named the chair of the cross-community working group - reconstituted cross-community working group working group, which sounds silly, but I think is increasingly important.

                  You may recall that we had initially started this project a little over a year ago. The GNSO got a little out ahead, at least the other SO's and AC's thought we got a little out ahead of the community. And so this is an attempt to throttle back and to bring others, including the CC - the ccNSO and others into the fold quicker/sooner so that everybody feels, you know, greater ownership.

                  And there was a conversation with Christine Willett, which I think you have seen recounted by (Steve) on the mailing list with regard to staff-driven attempts to resolve the confusion over some of the singular plural decisions.

                  And (Steve), I don't know if you're going to follow up on that, but (unintelligible)

(Steve): I will, John. Thanks.

John Berard: Okay.

That would be it for the Council report.

Elisa Cooper: And I see a couple of questions -- one from Stéphane and one from Gabby.

John Berard: Sure.

Stéphane Van Gelder: Thanks, Elisa.

John, hi. Have we had any discussion about the forthcoming elections for the leadership? And actually, it's a question I might pose to the whole group. I posed to the list a while back and the topic didn't seem to garner much interest, which surprises me because I would have thought we wanted to as a group at least have some input into the process and the decisions about certainly our house's vice chair, if nothing else.

John Berard: Right.

Now, we've had - at the council we have agreed to the same election procedures as was - has been used in the past so that the new council would be seated at the end of the Annual (unintelligible) meeting and that council will elect the officers.

We have not had in the BC -- and except maybe one-on-one (unintelligible) and I haven't necessarily been any - have been one of those one-on-ones with regard to our appetite for or being satisfied by a particular candidate and I

suppose we should. Of course we need to, but we haven't had that conversation yet.

Marilyn Cade: Elisa, it's Marilyn. Can I get in the queue?

Elisa Cooper: Sure.

Marilyn Cade: Okay.

                  And by the way, I thought - I thought it was (unintelligible)

Elisa Cooper: So Gabby had her hand up, but then Marilyn can go after Gabby.

Gabriella Szlak: Okay. Thank you. Can you hear me?

Elisa Cooper: Yes.

Gabriella Szlak: Okay. Good.

                  So I - actually, I just wanted to make a comment during - after Marilyn, but I was (unintelligible) right now, just to add that I'm working right now at (unintelligible) Strategy Working Group. I'm vice-chair of a group, but it's called (unintelligible) Space (unintelligible) meetings and we are working together to get a little bit (unintelligible) to be able to (unintelligible) the (unintelligible) activities a business approach in the meetings.

                  So I'm (unintelligible) right now we are (unintelligible) events, but are intended for original business participants and I would like to invite all of you to also be aware of these and to join us for these events -- one, of course, is

(unintelligible) together with Chris Mondini and it's about - it's (unintelligible) Monday - I think Monday I mentioned that one.

And also we have a breakfast on Wednesday and the agenda is still under discussion, but I will give all the information to you through Email, (James), over the next days. Thank you.

Elisa Cooper: Thanks Gabby.

Marilyn?

Marilyn Cade: Thank you. It's Marilyn Cade, for the transcript.

I just want to discuss very briefly -- and not in detail, but briefly for everyone to understand that there is an agreed-upon process between the - within the house on the rotation of the nomination process for the vice-chairs.

And last year -- and I thought I had posted this to the list, but I'll say it again for everyone -- last year there was a (unintelligible) appeal because there was dissatisfaction with how things had worked out on the side of the NCUC.

Elisa, myself, representatives from the ICC and the CSG met with (Dan Buzzman) and representatives of the NCSG to reconfirm the process. It is the NCSG's turn to nominate a vice-chair.

If that vice-chair gets eight votes -- meaning they would have to get all six of their votes, plus either two from the CSG or one from the CSG and one from the Nominating committee voting member.

If they get eight votes, then they become the vice-chair. If they don't get eight votes then we go into a new process, in which case we could conceivably put forward a vice-chair position.

Things were acrimonious last year and the year before and the CSG actually has held the vice-chair role for the past few years in the personage of Wolf Ulrich. Prior to that an NCSG nominee and representative (Mary) held the - held the vice-chair role.

My understanding is that the elections we just concluded in the NCSG -- I sent that information off to the Executive committee of the - of the CSG and my understanding is that (unintelligible) will be getting in touch with the new chair Rafik to talk about process.

Stéphane Van Gelder: Marilyn, can I ask a follow up to that please? It's Stéphane. Sorry.

Marilyn Cade: Yes.

                  Elisa, is that okay?

Elisa Cooper: Yes.

Stéphane Van Gelder: Sorry, Elisa. Yes.

Elisa Cooper: Yes.

Stéphane Van Gelder: Protocol - forgetting protocol.

                  Thanks for the explanation. And so that's clear then that the NCSG will be nominating the vice-chair this year and that sounds like a fair deal. Do we -

I'm not clear on the eight votes situation, because it sounds like -- are you saying that if there's not unanimity on their side then we have a say, but if there is then we accept the fact that their candidate is the one? That's the first question.

And the second question is, this is only for the vice-chair, am I correct? So there's no deal or discussion that we would not know about for the chair? And are there any candidates there that we think we should look at? Thank you.

Marilyn Cade: Thank you. I'll respond to the last question first.

The agreement within the house relates to the vice-chair and does not address the chair position. What we've done in the past has been to informally discuss the chair candidates, but not made any kind of formal arrangement like we ended up making on the location of the vice-chair nomination.

But I - that would mean that whoever the candidates are who get - who get put forward for chair -- that's an open discussion and one that we may - would need to bring to the CSG.

Separately to answer now your other question, the vote count is eight. And that was reached so that a single - sorry, a single SG could not control the vote. Each SG has six counselors and the reason to make it eight means that there has to be at least one voter from the other SG or two or one from the SG and the voting Nominating committee member, if there is one, and in this case there is one. There's a new incoming councilor who is a voting - a voting representative.

Elisa Cooper: Thanks Marilyn. That was very helpful.

Any other questions about activities at the council or the election at the council? Okay. Let's move to (Steven) to discuss other policy issues. (Steve)?

(Steve): Thanks Elisa.

I didn't circulate a policy calendar because it hasn't changed that much since the one I sent around on October the 4th. I'll quickly come down the list of things we need to pay attention to now.

Right after we had our last call ICANN released a new adopted proposal for how they're going to manage the consequences of collisions with new TLDs. It's significantly different than the earlier draft that we all commented on and the new gTLD Program committee adopted this on October the 4th without a opportunity for public comment.

Nonetheless, people are commenting on it. It will be a hot topic in Buenos Aires. And the Online Trust Alliance is holding an event in Washington DC on October the 29th to specifically discuss with ICANN and any interested parties whether the new collision management proposal really answers the concerns of the community, particularly the SSAC and the GAC.

So that's open to everyone to attend. I'll be attending and participating and I know Phil Corwin, Angilee Hanson, Verizon at the very least will participate as well. So I -- anybody who's interested in that event can send me an Email and I'll give you the coordinates so you can register.

One thing I'll say about their new collision proposal is that it's - it gets rid of this notion of uncalculated risk TLDs, because if you recall back in September, the plan was that TLDs that had more than 50 thousand queries over two days in the Day in the Life study were called uncalculated risk. It

would have to meet some unspecified evidence to show that they had mitigated collision. That's all gone now.

And the current plan is that basically any TLD other than Corp and Home can proceed to delegation if it promises to block second level domains in their TLD, which showed up a couple of years ago during that two-day period of Day in the Life.

The BC comments considered that a minimum and not necessarily the way to solve the problem. So I think it's important to analyze what happens with collision after the - after delegation begins.

And I think that's what we'll focus mostly on, is collisions that occur after delegation is up and before registrations are there, helping the business community remedy the cause of the collisions as well as blocking a second level domain by the - by the gTLD operator.

Are there any comments or questions on ICANN's latest proposal for collision mitigation? I see Gabby in the queue, if your hand is up for that.

Gabriella Szlak: No. I'm sorry. It's an old hand.

(Steve):   Got it. I'll move on then.

One other item I brought up with the DNS Risk Management framework...

Stéphane Van Gelder: (Steve), this is Stéphane. Can I just ask you something?

(Steve):   Go for it.

Stéphane Van Gelder: Sorry. Thanks. Or actually, just make a comment on what you've just described.

I understand that this may be a lower limit -- the new requirements may be a lower limit for the business constituency. I would like to suggest, however, that the implementation of block - a list of reserved names or blocked names - the way that it's currently described is actually difficult to do for the registries themselves.

Some registries may end up blocking a great number of names. And I would agree with you that this feels like it hasn't been thought through as well as it might have and might not be the ideal solution. I think it's not ideal from our point of view and I don't think it's ideal from the operator's point of view either.

So it sounds like it's a solution that may not satisfy many people.

(Steve): Okay. Thank you Stéphane.

Neustar is coming to that event that OT is holding on the 29th, but I would welcome from you -- if you could explain/send to BC the specifics of how this SLD block list would be difficult to implement, that would be a benefit to all of us. It really would. Thank you.

Stéphane Van Gelder: I'll try if I can.

(Steve): And then on last week's call -- two weeks ago -- I discussed this public comment on DNS risk management framework.

Marilyn or others made a suggestion that I follow up with the two BC members who know it best -- that was Jeff Brueggeman of AT&T and Scott McCormick. I did immediately follow up with Scott and Jeff and got no reply, so I think that we've missed that one.

Let me skip to the IGO and NGO -- that's International Governmental Organizations and International Non-Governmental Organizations -- the IGO and NGO identifiers -- Red Cross, the Olympics and then several hundred other acronyms for names of entities that are intergovernmental and international.

We have circulated a list of replies and we have at least eight members of the BC who all agreed with the replies. The challenge for us, though, is turning it into a drafted textual comment.

I have tried all the tricks I know to get someone to volunteer to draft the text. If we find no volunteers, I will submit them on behalf of the BC probably next week prior to the deadline and I'll simply submit our replies.

And each one contains an explanation. For instance, we say to the governments that requested it and the IGO and NGO, we say that at the second level we don't think yours should be a preemptive reservation list, but instead we believe that the existing mechanisms allow you to use the trademark clearinghouse for permanent claims notices and we believe that those are appropriate mechanisms for you to protect those names at the second level.

So those are the kinds of explanations that are in there. I don't think it's going to be a problem to submit it that way. But as Marilyn's indicated, it would be better if we found a more textual explanation for our comments to put them in

context so as not to imply that we're being dismissive of the legitimate concerns of these groups.

So I'll pause there and hope to see a hand up from anybody who can help with this. Otherwise, I'll submit it. I see Elisa and (Jim). Elisa?

Elisa Cooper: Yes.

So actually I had a comment about the name collision. And I actually think, like, blocking all of the second level domains that appeared on that report two years ago -- I think that's a fine approach, actually.

The problem is if they are using the Day in the Life list that was created two years ago, you know, I - one only can guess how many new internal resources were created in the last two years and what might be missing from that list.

So I think part of the gap is, you know, it would be better, obviously, to have a list that's more current than something that was created two years ago.

(Steve): Great.

But it can't just be a list, Elisa, because new names go to the second level every day that systems administrators are setting (unintelligible)

Elisa Cooper: Oh, totally. Yes.

No, I think we also have to also focus on what do we do when a collision does occur and, like, the process for remediating that problem and how to address that. Yes, I think so. But I think also it'd be beneficial to take a more current look at what's happening.

(Steve): Good point. Yes. Great point.

I see Jim Baskin.

Jim Baskin: Yes. Thanks. This is Jim Baskin.

My hand was up for the collision as well issue. I have a slightly different view of the value of just blocking - I would say blindly blocking the most frequently queried second level domains.

That in itself -- yes it could mitigate collisions, but it doesn't really address the real risk issues. It isn't the frequency -- and then I think it's been stated many times in several - in the reports, but it isn't the frequency of the appearance of a second level domain. The - it's the individual query that may have some very significant consequences if a collision occurs.

And it doesn't have to be a frequently queried second level domain, so we still have to keep that in mind. And I think Elisa got to a little bit about the remediation. How do you - what do you do or how do you stop the serious consequences from queries that aren't in the blocked list?

So the -- my point is that still the collision management approach from ICANN is lacking and Verizon is working on some things to try to demonstrate - to provide some examples that can really be understood and not be just dismissed by those who feel that there's absolutely no collision problems out there -- we can take care of it.

Thanks.

(Steve):   Yes.

The plan itself -- this is a great point -- and the plan itself on Section 3.2 suggests that putting aside the Day in the Life -- this is what I brought up earlier -- during the 120-day waiting period prior to launch, the registry operator is supposed to keep track of the collisions and to do educational outreach, but also take steps to enable an affected party to report and request the blocking of that SLD.

And that doesn't require that they show that it's a high frequency, Jim. It could just be one. If I have one hospital that's using .health as one of its' internal domains, it may ask for second level domains to be blocked for the - for the names that it's using.

And this plan calls for the registry to have a plan for doing that. It doesn't necessarily say how fast they have to do it, but it certainly doesn't require that it be high frequency.

But I think we are -- actually, ICANN made great progress towards the concerns expressed by the BC, but I really don't think we're all the way there.

Jim Baskin: (unintelligible)

(Steve):   (Jim) and Elisa, when I saw your hands pop up I was so hoping you were saying you would help on the IGO/NGO drafting. Hearing nobody then, I will proceed to just submit a list-based set of BC replies.

Next item is the study on Whois privacy and proxy services abuses. And these comments are due by the 22nd of October. We covered this on October the 4th call.

Susan Kawaguchi is most familiar with this among all BC members and Susan volunteered to help draft the BC comment. But at the time, Susan's mother passed away and she's busy on the Expert Working group.

I wrote to Susan again today asking if she thought she could get a draft circulated this week. Any other members on the call who have enough experience on privacy and proxy services that could help to analyze that study that just came in?

Elisa Cooper: Yes.

Actually I think I had volunteered and I actually do have a draft and I will send it out after this call.

(Steve):   Great, Elisa. Thanks very much.

Elisa Cooper: It basically -- just to give members just a quick overview, it basically - the report basically proves that bad actors use the privacy and proxy services. That's not a surprise.

It shows that obviously we need to have an accreditation service that we can advocate for having a, you know, accreditation service. I think we have to be careful, though, as a - as business users, because I know many businesses do use privacy and proxy services when launching new products or services or when there's a merger or acquisition and it needs to remain confidential.

So we have to be very careful about leaving some room for use of those services even in a commercial situation, because I think there's been some

discussion about, well, those should only be used in sort of non-commercial. There are definite legitimate commercial uses for it.

But anyway, I will send that out following this call. And it's a short - it's a - it's a short set of comments, but it probably gets us moving in the right direction.

(Steve): Great. Appreciate that, Elisa. Really do. Thank you.

Just a couple of more quick items. The Public Interest Commitments, or PIC, has a dispute resolution process or a PIC DRP that's now been released for public comment. And those are closing on - initial comments close the 23rd of October.

Now the BC was a huge advocate for this Public Interest Commitments for things that an applicant or a new gTLD claimed they were going to do but wasn't baked into the contract. The GAC also picked up on this by requiring that Public Interest Commitments include things that would guard against consumer confusion and what are called the safeguards that came out of the Beijing advice.

To that end on our last call, we looked for volunteers that would draft BC comments on the PIC DRPS. Gabby and Angilee Hanson both volunteered and drafted a nice set of comments that I circulated on the 11th of October. We will close those comments on the 22nd of October and submit unless BC members come forth with, you know, comments, edits, suggestions.

Gabby, you're on the line, so were there any BC questions for Gabby with respect to the draft we circulated on the 11th?

Gabriella Szlak: Hello?

(Steve):   Hearing none. Thanks again, Gabby.

And then the final issue with six minutes to go with singulars and plural and the rampant confusion in the decisions that are made by arbitrators pursuant to objection.

(unintelligible) brought this up (unintelligible) on council and during the council call Christine Willett, who's in charge of the new gTLD program, reiterated the same thing that Elisa had...

Man: (Steve)?

(Steve):   ...put in the draft letter, which is that, "Staff are considering multiple options to ensure consistent and understandable results."

And I think to that end the BC should comment quickly with a letter. There is no public comment period on this, so I believe the time to weigh in is now. We understand that the board - as I'd indicated, the board says this is on their radar screen, but I don't know when it will be on their agenda.

Elisa circulated a draft. A few of us, including me, made edits to the draft and last night I sent the latest draft around and I incorporated suggestions that came from Mike Rodenbaugh and (Mary Jo) to suggest that the BC would request that ICANN publish any evidence that was considered by expert panels, arbitration providers and staff, but mainly our request is we ask ICANN to public more specific and objective criteria that should be used to judge string similarity and then allow for an appeals system.

That - when a applicant could challenge the prior decisions of the arbitration providers on that specific criteria. So when you specify new criteria you create a new basis for a challenge, because here before Google and others have challenged these singular and plural decisions were constantly having to base it upon prior guidance given by the guidebook.

And it - at least there's a pretty good case to be made that the guidebook didn't lay it out clearly enough, because we're getting such conflicting decisions. So I'll take a queue on that because it would be - it would certainly be my objective that the letter I circulated last night be finalized and have Elisa send it to ICANN's board this week.

Take a queue please. Ron Andruff?

Ron Andruff: Thanks (Steve).

Actually, I was trying to get into the queue on the - on the last item, but I would say it to be - with regard to the singular plurals I worked with (Andy) and with Elisa on that original draft and I think that this current draft looks very strong and I fully support it.

If I could just come back to the PIC DRP, I just wanted to mention that I've been working on a document that I want to publish on Circle ID on that shortly and so I've given a lot of thought to what these PICs need to look like and so forth and working with other colleagues.

And so I just wanted to bring that to the attention of the BC members that hopefully by the weekend we'll have this done. So it's a - it's getting a little late. I know the BC publishes on the 22nd, but I hope we'll get it out in the next day or two. Thank you.

(Steve): Ron, if you would quickly look at what Gabby and Angilee circulated for the BC since you're in the current state of drafting, you may have ideas or questions that we could put back to Gabby and Angilee to potentially enhance what the BC is submitting.

So please don't wait until you've published your piece if you think there's things the rest of the BC would benefit from. Get it out on the list as soon as you can.

Ron Andruff: Absolutely.

Gabriella Szlak: Yes.

Ron Andruff: That's the intent. That's what I was trying to get across to you. Thank you.

Gabriella Szlak: Yes. This is Gabby.

If you have something and you can share it - you can share it (unintelligible) work on this (unintelligible) and we can do a lot of (unintelligible) as well with (unintelligible).

Ron Andruff: Very good.

Gabriella Szlak: Thank you.

Marilyn Cade: (Steve), it's Marilyn.

(Steve): Go ahead.

Marilyn Cade: It's Marilyn.

I will follow up with the ALAC and ask them to respond to us. It's my understanding that the ALAC is taking a very strong position that the approach that the board - the new gTLD committee is not adequate.

And that might not be -- I'll see what I can find out and forward it to (Juan) and Gabby and Angilee, but that might be an additional goose if we -- not to change what we're saying, but if we could take note of what they are saying.

(Steve):   Marilyn, is that with respect to singular plural or collisions?

Marilyn Cade: PICs.

(Steve):   Got it. For PIC DRPs. Got it.

Yes, ALAC is with us on all three of those topics. So if you get them on the phone or in a communication ask them about all of them -- singular plural, collision and PIC DRPs. Appreciate that.

Are there any other objections or comments with respect to our new draft on the singular plural letter? Hearing none I will - I will send it for final -- well, I sent it for a final review last night. We'll let folks wait until close of business tomorrow and then Elisa then I put it in your hands to send to Crocker, the rest of the board and to Fadi.

That wraps it up, Elisa. Back to you.

Elisa Cooper: Great. Thank you so much, (Steve). A tremendous amount of work, as usual.

We are just at about time, unless anyone has any final closing thoughts or comments for our next call -- things that we want to cover on our next call.

Jim Baskin: When is the call?

Elisa Cooper: It would likely be two weeks from today is my guess, without looking at the calendar, but Benedetta can confirm that. Benedetta?

I believe it's two weeks from today.

Jim Baskin: Okay. Thanks.

Elisa Cooper: All right. Anything else?

If not, again, thank you so much for everyone participating today. Tremendous amount of work. And thank you everyone. I really appreciate everyone's continued support.

So have a great day and I'll talk to you soon. Thank you.

Woman: Thank you.

Man: Thanks. Bye.

END