

ICANN

**Moderator: Gisella Gruber-White
September 18, 2014
10:00 am CT**

Coordinator: Thank you for standing by.

At this time the recordings have been started.

Once again, the recordings have been started. If you wish to disconnect, you may do so at this time.

All lines are open and interactive. Should you wish to mute your line, you may press star, 6. Star, 6, will mute and unmute your lines.

Thank you, you may now begin.

Brenda: Thank you very much, (Deb).

Marilyn Cade: Are we going to have a roll call?

Woman: Yes, we should have a roll call.

Brenda: Thank you.

Good morning. Good afternoon. Good evening everyone. This is (Brenda), and I'd like to welcome you to the BC Membership call taking place on September 18th, 2014, at 15:00 UTC time. And we'll begin today's call with roll call.

Trying to connect Jimson at this time, and we're not getting through to him. Elisa Cooper, Brian Huseman, Marilyn Cade, Barbara Wanner. Angie Graves, Steve DelBianco, (Claudia), Ron Andruff, David Fares, Marie (Sorry if I messed up). Scott McCormick, Sarah Deutsch, and I'm reading Adobe Connect we have Tim Chen, we also have Jimson Olufuye on the Adobe Connect. okay, we've already named those people.

So I thank you very much, and I do not have any apologies at this time, and you may begin your conference.

Please remember to state your names before speaking for transcription purposes.

And I turn it over to your chair, Elisa Cooper. Thank you.

Elisa Cooper: Thanks, (Brenda).

And so thanks to everyone for joining today's call. We have a number of topics. There are in particular in the room policy issues that I want to make sure we have enough time to cover. But I did want to give you a bit of an overview of the monthly call that Fadi had with the SO and AC leaders. That occurred two hours ago. And so, I wanted to highlight some of the main points that he brought up in the call.

So in his call today, he talked about the fact that he recognizes that he has not been aligned with the community and he really had sort of a *mia culpa* in my opinion, and he wants to ensure that there is not this chasm between himself and staff and the community. He understands that has happened.

And he stated that he has every best intention for serving the community, and so I think he really does understand that there's some discord and that there is a real need to make sure that the community is you know driving activity and momentum. And so he stated that up front.

He said that sort of in response to that, he's going to be kicking off a series of community roundtables, and I think these are to commence starting at the LA meeting.

The way he discussed these roundtables might occur is that he might meet with you know, members from the business constituency, or he might meet with members from the ALAC. I don't think they would necessarily be sort of cross-constituency roundtables, but rather meeting with groups separately. But I think there is much more to be seen and understand exactly how these roundtables might have - certainly something we should keep our eyes open for.

He also said that they will be publishing answers to the questions that we had submitted jointly with the other SO/AC leaders about the accountability framework within the next day or two. So we should be receiving some answers on those.

And then finally, in terms of the high interest session that will be held at ICANN, we all submitted - I asked you what your high interest topics were, and we gathered a number of them, and I sent those on.

It looks like the two topics that will likely be covered in that particular session will be one really kind of around the role of the GAC and how to work with the GAC. And the second topic will be around new gTLDs.

So that was kind of the gist of the call, and those were sort of the hot topics that he presented today.

Any questions about any of that before we move on to a CSG update from Marilyn?

The other thing that I'll just mention is that I'll be sending out an email within the next few days asking you know, what topics you would like to cover at the upcoming meeting in LA. I mean I think I have a pretty good sense given you know the topics that have been raised for discussion with - in the high interest session, but I'll be asking again just to make sure that we have full coverage.

We will be meeting with the SSAC as well as the Nom-Com as part of our CSG meeting, so we do have some sessions to be covered during that time, so want to - I really do want to try to save our time for a discussion of topics that are important to us.

All right, if there aren't any questions or comments, I'm going to turn it over to Marilyn for an update on the CSG activity.

Marilyn Cade: Thanks, Elisa. I think you've covered a little bit of that, so let me just kick off by reminding everybody that the CSG starts on - in LA on Sunday morning with an 8:00 am gathering with the Board members that are elected from the - from our house. In this case, we have invitations out to Bruce and to - and the coordinators.

I should just mention we rotate coordination, and the coordination lead is the IPC for the LA meeting.

We have invitations out to Bruce Tonkin and to Bill Grahame, and to Marcus Coomer, as incoming Board member. Marcus has indicated that he is arriving too late to come to that meeting, and so he has asked me to reach out to Kristina and try to find a different time when he could interact with the CSG. So, that's work in progress right now.

He will come and sit in part of the BC meeting. He's already confirmed that, so I just want to mention even if we miss him in a CSG, you will have a chance to interact with him informally when he pops into the meetings that take place on Tuesday.

The - we will have a CSG meeting on Sunday afternoon. The room is yet to be announced, but that has now become a formal part of our requested time. And as Elisa said, we will also then have our CSG gathering on Tuesday morning.

The - I just want to mention that we will have our breakfast as usual this meeting. The staff has proposed a change to move the meeting of the Board with the GAC to Tuesday morning. The GAC itself does not support that. Wherever that idea came from, it had not been well socialized. And so it's at least paused for this meeting.

It - the organization of Tuesday can be a topic of conversation that we take up when we meet face-to-face, but some of the GAC members that expressed concern raised concern that that interfered with the European Coordinating meeting that takes place on Tuesday morning, and it also - many GAC

members felt that they would be unprepared by Tuesday morning, not having had sufficient time.

So agenda-wise, we should be seeing a further agenda coming out from Kristina Rosette and Steve as the coordinators for the CSG activity to put forward to all of you.

I did - and Elisa, you may have more information from Chris Mondini, but the word I had from Chris at this point was that he had not put together a specific social event. But subsequent to that, I saw that ICANN is not planning a gala, and so we may actually want to revisit with the CSG whether we want to try to work with Chris to organize something besides the preliminary Webinar that Chris is working on.

And I know you volunteered to speak, so rather than me speaking about that, maybe I could turn back to you.

Elisa Cooper: Okay, thanks Marilyn.

Any questions for Marilyn?

All right, why don't we move on to policy? Steve?

Steve DelBianco: Thanks, Elisa.

So we'll jump into the policy calendar. I circulated it yesterday. Apologize for the late departure, but there were some late-breaking items to put in there.

If you have it in front of you, great. If you don't, I can re-email it to any BC members who don't have it because quite a bit has happened since the last time we had a call.

You know, I wanted to start it off with a little report on the IANA stewardship transition, and for that we have Tim Smith, Angie Graves, and (unintelligible), and I believe Angie is on the call today. Angie, is there anything you wanted to update us on with respect to the IANA transition track and the monitoring that you and (unintelligible) are doing?

Angie Graves: It's in progress. I wish I had prepared a summary, but it's in progress. There's nothing of note. We had a - there was an I2G call yesterday, so that's it.
Thank you.

Steve DelBianco: And Angie, I noted in the policy calendar as well that the three things inside of IANA, protocols, numbers, and names - of the three, names are the most complex, and GNSO Council approved a charter for a cross-community working group just to look at the naming-related functions of the IANA transition. And, that group just came together because it was just, well, I think a week ago that Council approved it - two weeks ago.

So is that working group coming together and does the BC need to designate people, or can you, and Tim, and (unintelligible) handle that for us? What's your thoughts on that?

Angie Graves: Well I don't want to speak for Tim and (unintelligible), as for myself I've got the bandwidth to allocate some time to that. It is information and we should keep our eyes on it. And depending on their - yes. It could get more complex as we go, requiring more time.

So I'm kind of playing it by ear myself, Steve. I might defer to you for direction on what might occur in the future.

Steve DelBianco: Angie, could you try to determine about when it would convene, and how many representatives from groups like the BC would be allowed? It might be open-ended, which would be great. And then you talk it over with Tim and (unintelligible). And if the three of you think that you want to call for more BC members to participate, well then we'll put that call out right away.

Angie Graves: We'll do that. We'll report on the progress as well via the mailing list. Thanks.

Steve DelBianco: Great.

Any questions on the IANA stewardship transition?

Seeing no hands, let's go to the first item on public comment. Numbers 1 and 2 I grouped together because they're very similar. They're about two character domains being released for new gTLDs. And, these are done in batches. There have been four batches so far. A great number of them from (unintelligible) and TLD holdings.

And, we have two that are active and open right now. One includes the .club top level domain, and for that, reply comments would be due by the 1st of October.

And there's another one for .berlin.kiwi.global, and for that, it's a much longer comment period, and it would conclude - the initial comment period by October 3rd. The reply period would be later in October.

On previous BC calls, we had interest from several BC members to work on this particular topic. It's not a long story. It's a short story about what the BC recommends for the process of releasing two-character names in new TLDs. And, that process mostly encompasses the method they'll use for right's protection measures since one of these names went through a sunrise or a trademark claims period.

In fact, many companies may not have bothered to even register two-character trademarks if they even had them.

So Susan, Zahid, Ron, Marilyn, and Elisa all have been talking about it and thinking about it, and then we've been overcome by events. Just the other day the GAC sent a very brief letter to Steve Crawford, Chairman of ICANN. I linked to the letter in the policy calendar, but let me just summarize.

The GAC is telling the Board that any letter combinations should be reserved, even if they're currently not used as a ccTLD. So .fb is not a ccTLD country code today, but they wouldn't want - the GAC does not want ICANN to allow Facebook to get fb.global because it may be a country name at some point.

So the GAC fired that shot across the bow right now. It's not as sternly worded letter, but it's certainly very specific, and I haven't seen a reply from Crawford yet.

It comes a little late because three or four batches of two-character names have already sort of made their way through the (ARSEP) process, but I have a feeling it will cause us to pause and perhaps the BC will have an opportunity to react to the GAC's request as well as what the registries themselves are asking for.

So we'll take a queue on this topic. Ron, I see you in there first. Go ahead.

Ron Andruff: Thanks, Steve.

On this particular issue, the two-letters, it's one of those things floating by and I think people aren't paying as close attention to it as we would like. But at the end of the day, I look back at just the historical elements of two letters. One would be airlines, American Airlines would be AA. British Airways is BA, and so forth. But within IATA, within the airline industry, the two letters have been always reserved.

And those often - that comes historically, as I understand it, from when governments had their own airlines. Air France, Air Canada, and so forth.

So those - the idea of AC, AF, those two letters for Air Canada and Air France, has come from a historical background.

That also comes from a country code perspective, as we know, .jp. .jp is for Japan. So the two-letter country code element has always been a very important historical data point.

So the GAC having sent this letter now to the Chair and the CEO I think is very good, because we should build on that.

For my part, I don't know if there's any damage that can be done out there for - in terms of BC users and business users, but I do believe that if it's historical data points out there, reference points for why those were there, we should follow that. There's no reason for us not to.

And just kind of storing open Pandora's Box to anything that might come as a result of these things isn't going to be helpful in terms of the future when some of these things start going sideways and the GAC starts really getting upset about it.

So I think at this point, this is one of those things that should be a no-brainer for us just to get on board and say two letters have historically got this kind of context, therefore, we support what the GAC is saying and move on to the other issues.

But I do think we should respond. I don't think we should just pass by without some kind of comment.

Thank you.

Steve DelBianco: Ron, if an airline does have a two-character that's trademarked, they certainly have a mechanism by putting it in a clearinghouse. It remains to be seen whether every gTLD that opens up the two-character would honor things like a sunrise registration period, even if it is in the clearinghouse. So there are some things to look at there.

Ron Andruff: Well, and Steve, if I might. Sorry, to jump back on. That's the problem is that's the problem is the airlines aren't going to be paying attention to this. It's only - this is where we're going to get into trouble after the fact because no one's paying attention to these two letters sliding by. And at some point it's going to hit the fan and that's when we're going to have problems.

So we're trying to pre-empt all that by getting on board with the GAC. That's what I'm recommending.

Steve DelBianco: Thanks.

Elisa, you're in the queue. Go ahead.

Elisa Cooper: Yes. I think I'm in direct disagreement. Companies who have you know two characters that are used to represent their trademarks or brands are very interested in this, so companies like 3M and HP, those are not airlines, those are major brands that utilize two characters to represent their marks.

And so I think that we would not support the GAC. I think that we should allow two characters, and I think it should go through the same rights protections that all the other new gTLD registries have had to do in the release in all other names.

Steve DelBianco: Thanks, Elisa.

Incidentally, 3M wouldn't be on the GAC prohibition list because it's got a numeral in it. Just thought I'd clarify that. It's letter-letter combos that the GAC is asking for reservations. Thanks Elisa.

Elisa Cooper: Well then - okay. So if it's - yes.

Steve DelBianco: Yes.

Elisa Cooper: So I think some of the proposals though are proposing two-characters, not necessarily both being of the alpha type, but also...

Steve DelBianco: Right. Right. So 3M would probably be okay. But thanks for that update.

Marilyn Cade?

Marilyn Cade: Yes.

Maybe I could take a slightly more moderated approach to how we approach this, and that is I think that actually maybe we should just have a conversation with examples with the GAC, pointing out that there should be a rational approach to be able to release these two-letter codes to a legitimate you know well-known brand holder.

I think the GAC is more - the governments I've spoken to are more concerned about exploitation not from brand holders, but from speculators and portfolio holders who they are - some of them are concerned that they will see this continuation of the behavior where the portfolio applicant is generating - almost trafficking in names.

I don't think they are concerned, and I think they might be willing to work with us around a mechanism for legitimate trademark holders. It's just an idea.

Steve DelBianco: Great. Any others in the queue on this?

I mean is the GAC worried that a new country's code would be snapped up by a speculator - a .sc for Scotland for instance, or something like that?

Right? Because Scotland doesn't have its own ccTLD today.

Elisa Cooper: Yes. I believe .sc is actually a - is a country code.

Steve DelBianco: (Unintelligible). Yes, .sc is (unintelligible). I don't know what Scotland would go after. Whichever combinations that start with an S, several things that start

with the letter S would not be available if -- as Marilyn described -- are snapped up.

So the GAC has a point-of-view. Marilyn, your point was having a conversation with the GAC. It's always good for us to talk with the GAC, and we've done so in the past about many things, but we have a comment period due October the 1st on at least the next batch, and then, an initial reply period on October the 3rd. Those were registry proposals, and the GAC letter comes in on top of everything.

So there isn't really a public comment period on the GAC letter yet, but the GAC letter speaks to the same topic. And, I guess the BC could comment on the GAC's request at the same time it would comment on the registry's proposal.

Marilyn Cade: Sorry, Steve, this is Marilyn...

Steve DelBianco: (Unintelligible) putting pen to paper. We need to get something written so our members of the BC can review and comment on it.

Go ahead.

Marilyn Cade: Sorry, Steve, it's Marilyn.

But the GAC letter addressed two points, and I don't have the letter in front of me. Could you reference the second point, because there I think the GAC was saying they're going to consider the Board's suggestion and respond, and I'm not sure we're considering what the GAC is considering in response to the Board request.

Steve DelBianco: Yes. The second request was the GAC would consider the request that releasing country and territory names at the second level. So the word Scotland.book, or Scotland.travel, those releases per the New gTLD Guidebook would required the permission of that country or territory. And the brand registry group has long wanted to get governments to have a consolidated way of approving the release of Scotland.fox, or any of those.

So the GAC is simply saying that they will also consider it, and thanks to the Board for bringing that case to their attention.

So that may dovetail with a similar release process on second level domains that have two characters in them.

I hope that answers your question.

All right, folks, we're going to need to move on on this, but the folks that are signed up to work on this draft, I think we need to put pen to paper, and I would really invite Susan, Ron, Marilyn, and Elisa even to just come up with some bullet points. I'm happy to do a lot of the formatting and backing up, and documentation, but we have to figure out whether we're going to do a comment for the October 1st deadline.

If not, then let's at least document the discussions we've had today so that we know what questions to ask and what points to make.

There is some disagreement with Ron suggesting to go ahead and support the GAC, and Marilyn and Elisa pointing out that there are plenty of companies that have two character trademarks that they want to be able to use.

Ron Andruff, are you raising your hand on this topic?

Ron Andruff: Yes, I am, Steve, very quickly, recognizing time is not with us.

Yes, I'm a little perplexed as to which way we go right now. I was making a recommendation, and Elisa has that counterpoint, and I can't disagree with her argument on .hp, so I'm not sure where we go.

I just wonder if we might want to put a (unintelligible) to the - to all of the members, just put it out there. Do we want to comment this way or that way on this topic, at least to get a sense of it, because at this point I'm not sure which way we would go in terms of putting pen to paper on this one.

Steve DelBianco: I'm happy to do that to the list if you wish.

Ron Andruff: Yes. That was my suggestion. Just saying, you know, a quick poll. You know, a quick (unintelligible) poll. You know, how do we feel? Left or right? And once we have that, then I think something could be drafted pretty quickly. But until - without that, I don't know where we go. That's the problem.

Thank you.

Steve DelBianco: Okay, great. Let's go to the next item, it's Item 3 on the policy calendar. This is the proposal by the Board, GAC, joint working group, to change the bylaws of ICANN so that when the Board considers advice that comes over from the GAC, that the Board would need a two-thirds vote to override GAC advice.

Currently, it's 50. It's a simple majority.

So this is a - this has been rather controversial, and its reply comment ends on October the 6th. Nearly all of the comments submitted so far have disagreed

with giving the GAC a greater amount of control over decisions and policy that is made by ICANN.

Now the BC has not commented yet. I have circulated some ideas for this, and many BC members replied, you know, hell no. You know, we don't want to give up this much control to the GAC.

I do want to point out the BC often counts on the GAC to help us with items that we need to protect registrants and users in the business community, so our relationship there is such that we could disagree with the GAC and perhaps not express it, since many others have already done so.

So I'd like to take a queue on that. It was Marilyn, Brian Hughes, (Unintelligible), and J. Scott who volunteered to look at this on the last call.

Marilyn Cade: And I'd like - yes, I'd like to be in the queue. It's Marilyn.

Steve DelBianco: Marilyn, go ahead.

Marilyn Cade: I actually don't think we disagree with the GAC. I think we're disagreeing with a subcommittee of the Board.

Steve DelBianco: True enough. True enough

Marilyn Cade: And that raises the question to me again when I talked to GAC members that were at the IGF, I was getting a lot of raised eyebrows about, "Well, this didn't come from us." There's one or two GAC members that do strongly support this. They're relatively new. Unfortunately, one of them is strongly championed by the US Government, and that is (Amad Habala).

For some reason, the US NGIA people think that he's the answer to every problem they've ever seen at the GAC. He's really new. He's - he is probably - he and Iran are probably the most vocal on increasing the role of the GAC, while very few of the other governments are being quite that aggressive.

I think part of this was also driven by misunderstandings about process inside the GAC. So I think we can take a moderated question approach noting that the GAC - the Board has not taken lightly overturning - refusing to accept GAC advice. When it's consensus advice, we see no need to change the voting level. We instead see the need to strengthen the early engagement of the GAC and to take up approaches of trying to resolve the areas of disagreement or non-consensus.

So saying something but not targeting the GAC, I think this is a B&G report, or B...

Steve DelBianco: I think you're right. You're exactly right.

Marilyn, could I ask you to draft just some bullet points along those lines so we can get them in the hands of...

Marilyn Cade: Sure.

Steve DelBianco: And we would need to do it rather quickly. This reply comments close October 6.

Marilyn Cade: Okay. And the other thing I would just say is I think we ought to propose to put this topic on the - in our GAC breakfast. I think we ought to put this topic of the role of the GAC and working with the GAC as - into the cross-constituency breakfast. I'm going to be raising it with the CSG, but I wanted

to raise it to the members as well, because to your point, we have found when we work with the governments, they work with us.

Steve DelBianco: October 6 though will come before the ICANN meeting, so we need to get this comment drafted. At least we'll have a position then. So, Marilyn, I look to you do that drafting. I three others in the queue. Phil Corwin, then (Brian), then David Fares. Phil? Phil Corwin, you still there? I don't hear Phil. Let's skip over him to (Brian). (Brian Huseman)?

(Brian Huseman): Yes. Hi this is (Brian Huseman) from Amazon. So I agree with Marilyn's bullet points. I think another point that we should consider in our comments is one I raised on the list which is that the timing of this while you were reviewing accountability processing at ICANN, and Steve I can't remember if this stress test, if the GAC changing their methods and determining consensus is one of the explicit stress tests or not but I think...

Steve DelBianco: It is, yes.

(Brian Huseman): Yes I think it falls in that category. So I think that kind of the timing of this I would say is inappropriate and that it should wait until the conclusion of the accountability review before something like this is considered. Thanks.

Steve DelBianco: Marilyn, if you were going to add to some of what (Brian) wrote earlier on the list, we probably have the kernel of a BC position brewing right now. That would be great. Thank you, (Brian). David Fares?

David Fares: Thanks, Steve. David Fares with 21st Century Fox. Just quickly to note that I appreciate that the entire discussion so far has referenced that we need to take a positive approach vis a vie the GAC. And I hadn't understood that this wasn't driven by the GAC, so I appreciate that intel as way. And just to note

that we continue to discuss our views on this so I may have further comments once Marilyn comes up with her - with the bullet points.

Steve DelBianco: Okay. Fantastic. Thank you, David. Phil Corwin, you're back in the queue.

Phil Corwin: Yes, thank you, Steve. Yes I just want to know things. One, every comment letter, at least two ago when I last checked, every comment letter filed on this from those business (unintelligible) has been strongly opposed to this suggestion, this proposal from a subset of the board. I also want to point out under the present bylaws the GAC is already privileged. They have special rules written in the bylaws for the board's treatment of their advice, which no other advisory committee gets.

And if this proposal was adopted, the GAC, under the bylaws, would actually be more powerful on policy issues than the GNSO. And that'd be particularly true if the GAC ever changed its method of reaches consensus to a majority vote method. So I think this would get the priorities all wrong and I also agree with those who think the timing is very unfortunate for this proposal, given the BC emphasis on protections against government takeover.

Steve DelBianco: Great. It sounds like we have a pretty close to consensus on the position the BC should take and we'll be careful not to criticize the GAC but instead to question the wisdom of this decision and the stress test on changing advice is something the BC has already submitted. So I'll bet we can pull this together. It's just a challenge because all of us have day jobs. The challenge is to do that first draft and to get it all started. And, Marilyn, I know you're awfully busy. Am I looking to you and (Brian) maybe to get things kicked off? I hope so. Thank you.

All right, next one. Number four, RMPs, rank protection mechanisms for names that are on the blocked list, and I put a link in there to this particular comment period, which is due on October 7. This is one of those areas where the registries, registrars, BC and IPC have really worked together awfully well to come up with a solution. I've cataloged here on the policy calendar the things that have happened to get this far.

And, Elisa, you circulated a letter that the BC and IPC and registrars and registries are sending to ICANN in response to the board and staff's questions. Would you summarize the solution or plan that we've got as a consensus right now?

Elisa Cooper: Yes so essentially there would be a requirement for every registry to participate possibly sort of in a batched group of sunrise periods, and every name that has not been subject to a sunrise period previously but that is on a collision list must be allocated in a way whereby trademark owners have a right ahead of all others.

The reason we're not calling it a sunrise per se is there - it's not clear whether or not we want to actually utilize the EPP protocol, so - and that's what kind of is envisioned with you say sunrise. So long story short, there would be a period for rights owners to get their names ahead of all others.

Steve DelBianco: So the batched method versus the individual method, what's the individual method look like?

Elisa Cooper: Well that everybody...

Steve DelBianco: Like the TLDs.

Elisa Cooper: ...would do it at their own time. And I think that would cause a lot of confusion. So it would be better for brand owners if, you know, if there were three different sort of groupings, whereby, you know, you would know like these 30 are going, you know, these 30 registries are doing their collision list sunrise periods and now there's going to be 10 on this particular - in this particular week as opposed to just, you know, every day.

Steve DelBianco: Elisa, is the joint letter to ICANN asking ICANN to pick one of these paths or do we want each TLD to make its own decision?

Elisa Cooper: This is our recommendation. This is what we would recommend that ICANN make as a requirement.

Steve DelBianco: And have the registries agreed with us about the batching method?

Elisa Cooper: Yes.

Steve DelBianco: That's great. So I'm glad to say we're unified and I'll take a queue. Does anybody want to ask Elisa a little bit about this plan? Phil Corwin and David Fares, your hands are still up. Do you guys want in on this one?

Phil Corwin: No that was from before, sorry.

Steve DelBianco: Great. Okay, Elisa, I mean I think it makes sense. I know that we're on board on that. Let us know if the other leaders of the other groups decide to get back to us and ask for more information. Thank you.

Elisa Cooper: Yes I mean it has been posted, so I feel like, you know, we've done on our duty on this one.

Steve DelBianco: Great. And we - I attached it to the policy calendar because I couldn't find it online anywhere, but I attached the letter.

Elisa Cooper: Okay.

Steve DelBianco: Thank you. Just two more items. The ICANN accountability process, and gosh so much has happened on this in the last three weeks. As you know, the BC was a real leader on both the process and the substance of this ICANN accountability track and despite the unity that all of the GNSO showed in the London meeting, ICANN proceeded to oppose its own plan with a coordinating group and a community group and outside experts that would have a role in the coordinating group.

They want the board to be able to approve the charters of these groups, and of course they allow the board to reject or accept the recommendation to come out at the end. And all of those items were opposite of what the BC asked for and the comments we filed in May. So as you know the BC signed a joint letter asking for additional time.

The BC joined the non-commercial stakeholders group and the registries filing a reconsideration request on August 29, and that really just says that the process has been broken because ICANN management and staff have ignored public comments in their plan. That's - we're expecting a reply from the board by October 3 on that one.

Then on September 3 at the IGF, Fadi said that he wanted to do a reset and listen to the community and do a public comment period, which is great, and that public comment period started. And at this point we've got until September 27 to submit a written comment. I worked with (Aparna), Marilyn

Cade, Angie and Phil Corwin, and did a draft on what the BC comments could look like on this.

It was attached to the policy calendar, and in there there's a prominent note in there because the answer that ICANN gives to our 20 questions should come tomorrow according to what Fadi told Elisa this morning. So we really need to wait for those answers and then quickly update this draft document of ours in an effort to be responsive to the answers they've already given. So I'll take a queue on this particular topic right now or if any of you have observations on the draft we worked on this would be a great time to let us know. Ron Andruff?

Ron Andruff: Thanks, Steve. I think you alluded to it, and I just wanted to clarification for myself and other members. Elisa, at the top of this call you spoke about the mea culpa of Fadi. Do you connect what we're talking about here to that mea culpa or was something else? I just want to know if he's starting to recognize even though they went forward with their own plans we've pushed back now hard enough. Does he understand we have to go with the community plan, not the staff plan? That's a question to Elisa. Thanks.

Elisa Cooper: I think that he recognizes that the community is not aligned with staff, and so I think there's probably multiple times that this has occurred. I can't say for certain what his true intention is and what he intends or what he meant by that exactly. But I'll take his word at face value. That call and that transcript will be made publicly available so you'll be able to read for yourself and see what you think.

Steve DelBianco: Yes and, Ron, that's not the first time Fadi admitted to being ahead of the community, and I think we have to judge more on what staff comes up with in

their answers to our 20 questions than what is said in terms of a promise or a mea culpa.

Ron Andruff: Indeed, Steve, and that was exactly what I was trying to get at, just (unintelligible) on that. But we'll hear the call itself and see the transcript and that will give us a little bit more insight. Thanks very much.

Steve DelBianco: Yes and the 20 - the answers to the 20 questions are probably going to be very extensive and we have very little time to consider those answers and work them into our draft. It's going to be a very busy weekend and next week. In the queue, Phil Corwin.

Phil Corwin: Yes, Steve, actually I just had a question about the answers to the 20 questions. Do we have an estimate for when they'll be received? We're in the curious position of being...

Steve DelBianco: As Elisa said earlier on the call they'll be out tomorrow. They'll be out tomorrow.

Phil Corwin: Oh out tomorrow? Okay. Good to know. Thank you.

Steve DelBianco: Anybody on the call have any questions about the draft that Marilyn, (Aparna) and I have put together? I'll take that as we're on board so far, and that's great. I appreciate it. Hey last item is - there's a board working group report on restructuring and reshuffling the nominating committee. That's item six on the policy calendar. If you can slide it up, (Brenda), I'd much appreciate that.

So far Ron Andruff, Sarah Deutsch, Waudou, Stephane and Marilyn have looked at this. And Ron and Sarah have begun working up some questions and points that we want to make. Initially, well three weeks ago, we thought we'd

pose these as questions to members of the board that were on that group. I think we're running out of time now since initial comments are due by October 21.

You could still pose questions like this or we could draft business constituency comments that raise concerns, and I really leave it to the five drafters as to which way you want to go with this. I'd love to turn this over to - those questions by the way I summarized Ron's initial points right underneath number six there. So Ron and Sarah, you've really taken the lead on this. Would either of you like to walk us through what you have in mind? Ron?

Ron Andruff: Thanks, Steve, I'll start and then I'll hand off to Sarah to fill in my blanks. As you just said, we initially started this drafting questions that we would send back to that committee and the BWG I guess it was or something. And we would send that to them and ask them how they got to that point. Sarah with her legalese mind actually said "Why serve them softballs, maybe we should be putting it into firmer language?" So that all kind of happened in the last 24 hours.

But I think the critical element here is that there are two really cornerstone parts, three parts. And in fact the first part is there was no consultation with anyone neither from any leadership of the last two or three nominating committees, neither the chair, the chair elect, the associate chairs, no conversation was held with them. There was no conversation held with any of the members of any of the - that make up the body of the NomCom. There was no conversation with the leadership of the various constituencies within the GNSO.

And so without any conversation, they just decided to take a knife to it and start cutting out GNSO seats, basically get a poison pill for the GNSO, give a

lot of seats to the GAC, who do not come, because they cannot - one country cannot speak on behalf of all nations, they can only speak on behalf of their sovereign nation. And then they gave more seats to the ccNSO that was never asking for them. There was no conversation with the ccNSO prior to that. So this whole thing is a real mess. And so I think that we've got some very strong questions that we want to ask.

The third element actually I wanted to bring up was something Stephane holds close to his heart. It's about the succession. Basically the way it works now is you have a chair elect, a chair and an associate chair. The chair elect is the person coming in and they get a chance to learn and watch and observe. They have no voice, they have not voting power but they can observe everything that's happening and work within the leadership team to understand what they're going to take on the next year.

The chair then is the one responsible. They move from chair elect to chair. And often what then happens is the outgoing chair becomes the associate chair. So you've got three years of experience within the nominating committee to guide it and direct it which is a very, very important part of the NomCom. And that chair elect has been completely cut out, or it's being discussed as being cut out right now.

So these elements are critical to be worked on. We're drafting something now, and I would hope that we can with Sarah now taking the pen and starting to craft tighter arguments that we'll be able to send something back to the BC shortly. And so with that I'll hand it off to you, Sarah, if you'd like to pick it up. Thank you.

Sarah Deutsch: Thanks, Ron. I think you did an excellent job summarizing our concerns with the proposal. You know, there's process concerns. You'd think before they

would think about a major restructuring of such an important committee they would have at least asked the existing and the prior people who served and who had leadership positions what was working and what wasn't working. And if changes had been made like they have been over the last two years, why not capture those improvements and whatever you're suggesting.

So it almost seems like they thought about this in a vacuum. And, you know, the role of the business community and the CSG members on the NomCom has been quite large, you know. We get two seats and IPC and the ISPs, and it's helpful to have people from real businesses in there when you're looking at these candidates, especially since some of us have, you know, the NomCom guidance especially on board members about particular business skill sets they're looking for.

And, you know, so it's been very helpful to have us in there, but to reduce our collective seats from all of the CSG down to one seat and then increase all these other people makes no sense. The size of the NomCom today is already probably too large, and it would just become unworkable, you know, just going around the table. So anyway, we can go through all this, you know, in the voting blocks. I don't want to go through every problem but we'll ding as many as we can and share that with everyone.

Steve DelBianco: Keep in mind they extended this comment period. So initial comments aren't due until the third week of October, the 21st. That creates quite a bit of space that if you wanted to ask the four board members, George Sadowsky, Ram Mohan, Ray Plzak, and Mike Silber, if we wanted to ask one or all of them to answer these questions, that could be done in advance of the BC explaining why we disagree.

That was what we discussed on the last BC call. Ron, that was the idea of phrasing it as questions, and I think that was the consensus of the BC three weeks ago. Do you still want to do question to those four guys first or proceed directly to a BC comment that's critical and question about what their conclusions are?

Ron Andruff: This is Ron speaking. Steve, for my part, what I would suggest we might want to do is now that we've kind of codifying those thoughts that maybe we can schedule a call with Marilyn, Stephane, Sarah, Waudo and myself and talk through these things and take a position. Because it is - if we do have the extra breathing room we may want to put those guys on the spot.

On the other hand, we may just want to use that time to really phrase very strong questions and also build cross-constituents consensus on this as we did with these other elements. Maybe we can go to the IPCs and the ISPs, and even the registries and registrars I think would probably join with us in this discussion to keep the GNSO moving and functioning the way it does right now.

So my recommendation is we gather with the subcommittee that we have now and to have a call and talk about that amongst ourselves now that we've kind of got something to look at and then come back to the list with that recommendation and get approval one way or the other.

Steve DelBianco: Great, appreciate that. And I'll gently remind all of you in a week or so about getting a draft circulated. Folks, that's it for the BC, the policy around public comments. The next channel is the notion of what's happening at council. There's a council meeting next week, the 25th of September. Neither (Gabby) nor John Berard are on today's call. They're both otherwise occupied and there are no motions yet posted for next week's meeting.

Instead there are four agenda items, which I know are on the screen in front of you. They'll be discussing Red Cross identifiers, IRTP Part D, the next round of gTLDs and the nominating committee. So there will be a discussion next Friday on this board working group report for the NomCom, what we just covered now. So what I would strongly recommend, you know, Ron, Sarah, Waudo, Marilyn, try to dial in to the council meeting on the 25th of September. That's at 18:00 UTC, I've noted that above, and listen in to that discussion so we'll know the council's thinking about it as well.

Marilyn, I wanted to turn it over to you for anything else on CSG policy items, but that's it for me. Thank you.

Marilyn Cade: Thanks, Steve. Just real quickly, I think we are going to want to start taking more advantage of when we and how we collaborate with the CSG. We're seeing good collaboration whenever we have a particular topic, but the reality is in one particular case like on the reconsideration, it was not the CSG we cooperated with, it was very quickly another particular party.

So what I'm asking to do with Steve and with (Tony), the other two lead CSG reps, is to bring forward the topic into L.A. to talk about when we and how we may strengthen the CSG collaboration on policy topics. I think everybody knows that in some cases the IPC will have a slightly different view. The ISPs are less likely to be strongly aligned with us if it's pure IP. If its security stability and resiliency, they are very often concerned.

I do just want to mention that there will be an ISP meeting in Guadalajara on the cusp of the World Congress. And I will also send around the e-friction report that ICANN commissioned that I think members may want to take an

informational look at. And I will be asking at the CSG level whether there's interest in either having a call or further discussion about the e-friction report.

The - I guess the overall topic for CSG discussion is governance and guidance of the activities that ICANN is engaged in. I listened with interest to the report from Fadi that Elisa reported to us. Steve, myself, a number of other people were at the town hall at the IGF where I will just say that it was very clear that the joint letter from all of the SO, AC, SG chairs and the reconsideration request, particularly the reconsideration request, had had a very profound impact on board members.

And I think that's the overall topic, Steve, that we should be thinking about, how do we provide positive and constructive guidance working with the CSG on the governance of ICANN and the activities of the CEO. He is in Geneva, Switzerland on Monday doing a briefing for ambassadors and others about the failure of existing mechanisms to provide alternative solutions to orphan issues and building support for it looks like the - what he calls the platform for action. So I think those are the kind of things that the CSG overall probably will want to address, as well as specific CSG policy activities.

Steve DelBianco: Great. A lot of us in the BC will use the next two days here in the meeting to try to get our IPC brethren to work more closely with us. And having said that, let me get it back over to Elisa so you can wrap the meeting up.

Elisa Cooper: Yes so I think we actually have a little bit of time to hear from (Jimson), so (Jimson) over to you. (Jimson), are you? I see that you're on the Adobe. I know that you also sent out a report which contained some information about members paid up, which I think is actually - we're actually doing fairly well there. We have quite a surplus of funds that we've - are a result of the fees that

we've collected, and since we have not had a paid secretariat for some time there is a fair amount of funds available.

I think in your report you are also recommending that we extend the term for membership so that we're not collecting member dues until the middle of next year. And I think those were the two sort of main points in your report. But members should have that. With that, is there - are there any other questions or comments or topics that people would like to bring to the group? Ron, I see your hand raised.

Ron Andruff: Thank you, Elisa. I just prior to this call I got off the GNSO 360 review working party call and had forwarded to the members another plea to fill in the survey, the 360 assessment. It's really important we do this because right now we have about 120, 123 responses, and you'll see in the e-mail if you scroll down you can kind of see where they're coming from. Sadly we're not getting responses from many different sectors, ccNSO, GAC and others, which would be helpful to help us improve our GNSO on the whole.

But more importantly on the GNSO side, the various members and bodies that make that up are also not responding. So we have - we've as a community we retained a body or a group to do the assessment, to do the study, you know, build it all out, we spent a lot of time as a working party trying to frame the question. Once this initial survey completes and it'll be completing just after the meeting in Los Angeles, there will be second supplementary survey going on, and that supplemental survey will be speaking directly to working groups and how effective they've been or not.

So these two surveys are critical to improve the GNSO's functionality and try to knock off the rough edges and make things be much more harmonious

within the GNSO as a body itself and so forth. And we can't get there unless we get more feedback from the community.

So I really implore our members to please click on the link I sent through, take the 15 to 20 minutes to go through it, and just bring your thoughts to this assessment so that the - Westlake, the team that's been hired to do the full assessment and independent review, has enough data to work with. Otherwise we're going to have spent a lot of money and a lot of time and effort to really generate nothing. So that's my piece. Have a look at that e-mail, please, and anything anyone can contribute would be very helpful. Thank you.

Elisa Cooper: Thanks, Ron. Any other business before we wrap up this call? Well as always, I want to thank everyone for joining. Please do be on the lookout for an e-mail where I will be asking for input for the upcoming meeting in L.A. for our agenda. That'll be coming to you probably within the next couple of days. So with that, have a great day and we'll talk soon. Thank you so much.

Man: Thanks, everyone.

Woman: Thank you.

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