BRENDA BREWER:	Good day, everyone. Welcome to the BC Membership call on 10 February 2022 at 16:00 UTC. Today's meeting is recorded. Please state your name for the record when speaking and kindly have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. We have apologies from Mason. And with that, I'll turn the call over to Steve. Thank you.
STEVE DELBIANCO:	Thanks, Brenda. I'll go ahead and display the policy calendar right now and we can dive right in. I'll be chairing today and happy to take questions along the way.
	So first thing up in the agenda was Mason suggested I give a brief update on a policy discussion that was held yesterday among the executive committee members. All we did was take a look at the listed set of priorities that we've discussed with you all before about improving legitimate access to domain name registration, about positively impacting the DNS abuse problem, and improve ICANN's compliance function. We did a deep dive into those high-level aspirational objectives and tried to attach a little bit more in the terms of deliverables that we'd like to work on for the next year on behalf of the BC members.
	So under the notion of improving legitimate access to the registrant data, we want to push on ICANN Org to finish implementation of previously committed work, data accuracy, legal and natural distinction,

and then the PPSAI. That's the privacy and proxy services accreditation. Those things have been languishing and we'll continue to press on that.

We also think the BC has go to do a better job influencing governmental level activity that influences registration data. The EU's NIS2 is part of that but the European Commission's new DNS abuse report could potentially add a little fuel to that fire. And I think that we want to try to get them to weigh in with the trilogue so that NIS2 comes out a little bit better.

We also think we have to advocate for a better SSAD model. And we held a call yesterday between Lawrence, Mason and I and Göran, the CEO. It's a leadership call that occurs about once a quarter. And mostly we ask a couple of questions and Göran, well, he talks for most of the 45 minutes. But we did learn that Göran thinks that about 80 to 85% of the cost of SSAD was related to the accreditation function. That was the first time I've gotten any information about that.

I pushed through on the idea of a ticketing system. Göran said, "Yes, we're well aware of how to use Salesforce for that." But he didn't have any notion of the costs. I suggested that the BC might be interested to know if they would be willing to accept the controller or co-controller role and that maybe an SSAD made sense if ICANN stepped in to those shoes. No answer on that.

And I asked Göran about the DNS abuse study that came out of the European Commission. And Göran said, "No opinion. We don't give opinions on other governments' work." I asked if the European Commission had asked ICANN for information or cooperation

for the report, and they did. And ICANN said no. So that wasn't all that productive and it's possible that he gave other insights to Tim and to Lawrence on that call but if anybody has any questions for the interactions with Göran or the BC discussion, let me know now. Great. I'll dive into the policy calendar then.

First item up is we filed a comment on the 7th of February and that was thanks to the great work of Tim Smith, Lawrence, and Jimson. And it was a pretty extensive comment on ICANN's draft op plan and financial plan and budget. And thanks to Tim, Lawrence and Jimson again for that.

Let me scroll to the next item which is our open public comments. We have two open public comments right now. The first one—I want to make sure the right screen is displaying here. Let me just check that. Okay, great. So the first one up is changes to ICANN's bylaws. It's a line or two of changes for the ccTLDs, so that they can decide what to do in the ccNSO voting structure if there happens to be two registries operating in a given country i.e., one that uses say the Latin script and then another that uses the IDN script.

We think they've come up with an eminently sensible way to do it. They have one vote for country territory and to let the two operators work out which one gets the vote. I recommend the BC support it. Those comments close March the 2nd. We would just put in a one-line comment suggesting the BC supports it. Is there any objections to that? Great. This is the second meeting in a row when I brought this up and given that all of you are on board, that's the way I'll submit it.

Next item up is the Name Collision Analysis Project. So this has been around a long time and it's in reference to this notion that when new gTLDs are introduced, if they have names, new gTLDs new names, they can potentially collide with low level technical functions that employ the DNS. Dot printer, dot office, dot mail were examples that those gTLDs ended up creating potential conflicts with internal Internet functions. When that happened, the SSAC led the way in figuring out the right way to address it.

And so the SSAC has done another study, two new documents. Comments are due in the middle of March. We did comment two years ago, back in 2020, and that was great work by Mark Svancarek. And it's time for us to get some volunteers who will help us to do the same thing now on the new report. I don't see Mark SV on the call. But is there any of the rest of you that would assist me in analyzing the rather long reports?

Like most SSAC documents, they're heavy with exhibits that describe a lot of what happens. But it would be great to get some help from a BC member who knows a little something about the technologies behind the DNS-based or IP-based communication on intranets. Do I have any volunteers? Any volunteers who can help with this? All right. Seeing none, I'll ask again on our next call.

All right. Third item up is not an ICANN public comment but rather an ongoing BC effort to try to nudge the European Parliament towards a stronger expression of correcting GDPR in what is called the NIS2 proceedings. Drew Bennett has been helping us and leading the way on this and Drew is excused to today's call. But there are several of the rest

of you on this call who have been really on top of this. Marie strikes me as probably our best expert in Europe.

Drew wrote me this morning, Marie, to say he has no updates to what you have on the screen in front of you other than the fact that we're continuing to refine our talking points to talk to the trilogue parties. Marie, what I highlighted here on the screen in yellow is that, just about a week ago, the European Commission put that study out on DNS abuse and it's pretty damn helpful. It comes up with findings on the ability to provide registrant data to stop DNS abuse and has a very broad definition on DNS abuse.

And I know it must be good because it's causing a lot of consternation in the contracted parties and we know that Göran's not happy about it. The findings could be helpful for us. The recommendations could be helpful. It talks about the need to publish information for interested parties that had legitimate purposes. The question, Marie is, how does the European Commission play in this dynamic of the trilogue on NIS2. Could I lean to you on that?

MARIE PATTULLO: Sure, happy to help, Steve. The trilogue is a formal part of any—not any but the vast majority of legislation that passes through the European Union. So as you know, the Commission, [inaudible] drafts something. The proposal then goes up to both the Parliament and the Council, the Council being the member states at the same time. They both work internally and eventually come out with the agreed positions.

So we got that at the backend of last year when we got the report from the European Parliament and the general approach from the member states in Council. Now what happens going forward—sorry, I'm not loud enough. Is that better?

STEVE DELBIANCO: Marie, I can barely hear you. It might just be me but can you come closer to the mic?

MARIE PATTULLO: I'm shoving the microphone right in front of my face and trying to shout.

STEVE DELBIANCO: Thank you.

MARIE PATTULLO: My apologies. What happens at this stage of the game, because the Parliament and the Council did not agree, is they get together with the Commission in a tripartite negotiation called the trilogue. Now the Commission's job in a trilogue is to be the facilitator. It's not actually in charge. Most of the horse trading, the vast majority of the host trading is between the European Parliament on the one side and the member states on the other. The Commission is not neutral but it's not in charge. It is the facilitator.

So what will actually happen—bear in mind that this report on DNS abuse is not a legislative report. So it doesn't actually have a direct

effect in any way on the proposal that's currently being discussed. That said, one thing that's always sensible when you are speaking with any policymaker leading into the trilogue discussions, if you're talking to any of the member states, talking to any of the MEPs, the members of the European Parliament, quote the report at them. Pull out bits of the report that you think serve our messages and quote them.

The fact that this report came out of the European Commission is always going to be useful rather than it coming out of an industry body like us. Don't know what else I can tell you, Steve.

STEVE DELBIANCO: Thanks, Marie. So I sense from your tone that you're optimistic that the trilogue can nudge things in the right direction on NIS2 and I appreciate that. I've not been an optimist about it, I was disappointed at the loss of some earlier positions. What else do you recommend to your colleagues to do? Should we all read the entire report? It's lengthy. Should we just look at the executive summary? What else can we do?

MARIE PATTULLO: Well, depends how much time you've got and how interested you are. What I would say is if you are reaching out to the Parliament or the Council or indeed the Commission, at this stage of the game, they don't want highfalutin theories and nice big, possible, maybe scenarios. They need facts. They would need compromise wording. Be realistic. They're running from pillar to post on a number of dossiers, so this is the time to come in with one page with direct suggested wording and facts. Long gone are the days of just wibbling.

Bear in mind also the timing, if I may, because the timing in Europe is understandably directed to an extent by national politics. Now you may know that the current Parliament of the Council is France. But in France, they have presidential elections coming up. Thus, the French Presidency is very, very keen to try to get as many of the European dossiers tidied up, filed out, fixed and out by April. So this isn't something that's going to drag on for a long time. Roundabout the April-ish mark, you won't see many French people about because they'll all be down in Paris lobbying.

STEVE DELBIANCO: Thank you, Marie. Any questions, BC members, questions for Marie? Okay, thank you very much. Back to the policy calendar and I'll scroll down to channel two which is back to Marie and to Mark, our Councilors, GNSO. What I put into the policy calendar was previous council meeting on the 20th of January and I've talked about agenda, transcript and Zoom reporting.

And then, Marie, I did pick up on the idea that the agenda for the next item and the—in yellow, what I highlighted here was the Council small team which I can talk about when we get to that. But I'll turn it over to you to lead us through, you and Mark.

MARIE PATTULLO: I'll kick off and then hand to Mark. I don't really have that much to share since our last meeting. You know that we have been discussing this ODA that came out of ICANN but Steve, you are the person to give much more detail on that. From the Council perspective, there's still a lot of

scratched heads and confusion because we're not exactly sure what either Org or the board want to do about the SSAD. And we're certainly not quite sure what they expect Council to do. That's all a little bit up in the air.

We also had a meeting a few days back with the leadership of the different constituencies, right, Mason, about the overall strategic outlook trends for ICANN. That was two hours' worth of meeting that I can sum up as a lot of words and not a lot of substance. I'm sure it might be useful but I'm not sure how.

Chris Disspain is going to be the new fellowship mentor for the next three meetings. Heading into our next ICANN, there's going to be a policy preparation webinar as always. I think it's on the 22nd of February. You'll remember that staff is looking at gathering data on the UDRP. And we had a message through from them basically telling us they're gathering the data and they'll keep us posted.

And honestly, Steve, I've got nothing else to say. But Mark, what should we be talking about?

MARK DATYSGELD: Thank you, Marie. So we kicked off the GNSO Council DNS Abuse Working group yesterday. And it seems like I'll be chairing that. Apparently, that's the conclusion that people have arrived at, so that should be good.

The general idea of the group seems to be that we would like to collate the different opinions from the community, try to understand where

people are at since the dialogue has been basically monopolized by the CPH during the past two years during the pandemic time. And this group will be reaching out to different actors to try to get a broader view.

My idea was that, the reason why I was pushing for this is of course we have Maxim representing the CPH on that group. We have a lot of the preexisting ideas of how to handle DNS abuse. And by doing outreach, we increase our chances of actually getting different inputs in there. We get to actually show the different problems that we are observing that they are not willing to listen to.

So from that perspective, I think it will be a good direction for the GNSO Council to start expanding their vision of what DNS abuse is so that narrative is not so controlled by the CPH. And from there we can start analyzing policy implications of all of this. Over the course of the year, I'll be counting on all of you to help us further this. I'll be reporting to you and please report to me back any ideas that we have on how to advance this in ways that go beyond what the CPH is currently offering which certainly isn't sufficient for us to be able to protect our businesses and our clients.

So that would be my main point for now and yeah, next meeting, we'll probably be discussing this more at the council and I'll be able to say more. Thank you.

STEVE DELBIANCO: Thank you, Mark. I put into the chat what the European Commission report put forward as their definition of DNS abuse. And for those on the phone, it says, domain name system abuse is any activity that makes

use of domain names or the DNS protocol to carry out harmful or illegal activity. That is a broad definition that is really giving heartburn to the CPH who we know had a much more narrow, narrow definition of DNS abuse.

Mark, I'll scroll down to the bottom of the policy calendar because I have an entire section on DNS abuse which was done as a result of the BC working group on DNS abuse where it included Mark SV, Mason and I, Tola, Tim and Yusuph. So in that you'll find what the BC's current thinking is and what the BC should do next on abuse. And this was written before the EC report came out.

So I think that your marching orders representing the BC on that small group are to take the foundational work that I have on the screen in front of you and then staying on top of that and bring in parts from the European Commission report that will help us to make that case. And then I'd look forward you sharing with us what comes out of that working group. And don't wait until every two weeks when we have a call. Please put it in as soon as you have something relevant to it, if you don't mind, okay?

MARK DATYSGELD: Sounds good.

STEVE DELBIANCO: All right. Does anybody have any questions for Mark about that? All right. Then I will update you on the SSAD. I am representing the BC on a small team of Council which had our first meeting yesterday. We have

roughly a two-week assignment and our assignment is to respond to the ICANN Board's January 24th letter to Council. It's not as if the Board wrote questions to Council. It pretty much just shared precursor to that awfully long document that staff prepared with the operational design assessment or ODA.

I am supposed to, over the next couple of days, answer those questions. And I will represent it entirely from BC positions that have already been expressed. As Marie and Mark know, the BC voted no to the SSAD recommendations that came out of phase 2. And I'll rely upon the joint minority statement that we used for that where we felt as if the SSAD completely missed the opportunity to actually deliver access to registrant data since it was entirely voluntary. And it looked like it was going to be very expensive without a lot of benefit.

So unless I hear otherwise, the SSAD is something about which the BC was not in support. So I'll put questions in there about maybe a ticketing system. I'll put questions about value.

And yesterday, I asked Göran on the leadership call. I said, in the public interest assessment that the Board did for SSAD, did they look at the benefits versus the cost or do they ignore the cost? He answered immediately, and it surprised me, they ignore the cost. In other words, the Board looks at something that was recommended and if they think it has any value in the public interest, they'll implement it. So they're not really looking at the cost of SSAD, [several] million dollars. They're just looking at whether it's in the public interest to do it, and they're ambiguous about that. They have concerns about whether it's in the public interest. But if the bar is so low to say that if it serves the public

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interest in any way, they should implement it, that would suggest to me that the Board is likely to go ahead and implement the SSAD and we would be in a position to try to I guess lay the groundwork that, should we be lucky enough someday that ICANN steps into the shoes of a controller or co-controller, that the SSAD would be there so that ICANN could actually execute on that.

And then when I brought that up with Göran, he pretended not to have any interest at all in being a controller. But we'll revisit that I think over time. Any questions for me on the small group team? Okay.

I'm going to turn it over to Zak and Arinola, who are doing another set of work for the BC because they're leading our work on the transfer policy working group which is a PDP. And Zak, I think you suggested that I should bring up the timeline first and I'll do that for you now and turn the microphone over to you and Arinola.

ZAK MUSCOVITCH: Okay. Thank you very much, Steve. Arinola and I are the representatives of the BC in the transfer policy working group. So you may recall that this working group follows the model of constituencies, stakeholder groups, sending delegates to the working group, and that's why it's so important for Arinola to get feedback from the BC when issues or policy decisions arise.

And so the policy that the working group is concerned with was a consensus policy enacted in 2004. And it will be of concern to business owners and businesspeople who have any occasion to transfer a domain name or to wish to transfer registrars. And so this could come in in the

context of an acquisition or disposition of a business unit, a buying and selling of a domain name, the launch of a new brand, changing service providers from one registrar to another.

And so we'll get into some of the more specific policy aspects of that. But what you have on the screen now—thank you, Steve—is a dashboard. I can't take credit for this at all but as you can see, ICANN staff has been immensely involved in tracking the progress of this and assisting the working group members.

And so what you'll see is that this working group, the members commenced their deliberations May of 2021. And you'll see that just on the bottom third of the page, and then you also see that it's scheduled essentially to carry on until August 2023 for the submission of the final report, so it's an ongoing hour and a half meeting.

Steve, if I could just impose upon you to go to page six of this, I just want to point something out. Yeah, a little farther down. Right, right there, so not only does ICANN staff track the policy development process but they also track attendance. And you could see that Arinola has perfect attendance here, 100%. Just about seven lines down. And this is a significant commitment, so I want to thank Arinola who's attended every single meeting. I even took some vacation. It's a significant commitment to do these things.

We're not looking for sympathy but to understand that neither of us are experts in this area. And so as we go through this over the next few minutes, please bear that in mind. And the main purpose of this portion of the call this week is to hear from BC members on transfer locks. But

before we get to that, I just want to put this into context. There's two main policy aspects to this. And Steve, now we could put on the infographic. There's two general policy aspects of the working group. No decisions have been made. There's no policy recommendations yet. There's no consensus call, so we're very early on in the process still.

But we've begun to start discussions on transfer locks. But before I turn to those transfer locks and there's an infographic that I cobbled together with Arinola here on your screen. There were some concerns and we raised these with the working group's initial request for preliminary feedback from stakeholder groups about ensuring something that's very important for business owners, and that is security when it comes to transfers.

And so they have done away with the procedures that have been in place since at least 2004, which was called FOAs, forms of authorization. A losing form of authorization, gaining form of authorization. But besides changing the terminology and the procedure essentially, the security remains intact in my view. There's going to be a—the way it will work is that someone who wants to transfer a domain name, they unlock the domain name, they request an authorization code, a notice is sent to the losing name holder.

That losing name holder has the opportunity to stop the transfer. Once the transfer is complete, the name holder is notified. So all the precautions in terms of notifications are still in place but the names and terminology have changed. So in a few minutes I'll ask if there's any more feedback on that but for now, I'd like to turn to the domain

transfer locks. And yes, Steve you're correct that it should be registrar, thank you. That is a typo there.

So there's three types of transfer locks. Arinola and I want to get your feedback on each one. We'll try to briefly present the issues that arise from each one. There's so much material here, if anyone is interested in digging deeper in this, I'm happy to—please ask your question on the list or contact Arinola and I. Happy to discuss this more in depth with you and share a lot of the working documents and progress.

The first type of lock, if you can just scroll up a touch, Steve, is the initial registration lock. This is sometimes referred to as a creation lock. When you register a domain name that has never been registered before, you're creating a domain name. And from the moment that you create that domain name—historically, there's been a 60-day lock on it which means that you can't transfer it from your initial registrar that you used to register the domain name to another registrar.

The reason for that 60-day lock has been lost in history to a great extent but once the working group looked into it further and made some inquiries, it turns out that the 60-day lock is hard written into many registry agreements with ICANN. But the original rationale for it was to protect the registrars from paying for domain names that are subsequently not paid for by the initial registrant. So it's a business protection aspect.

Discussion so far has been on reducing that 60-day lock. The reason is, some people think that there is no lock necessary at all following creation. Some people feel that, why change the 60-day lock?

The discussion however has gravitated to lowering it. Currently, the discussion is focusing around 10 days. At least five days, there needs to be lock for at least five days according to many of the working group members because of the AGP, which is the added grace period of five days. So there seems to be some agreement that it can't be any shorter than five days. And some registrars are saying that it should be at least 10 days because most of the chargebacks occur within 10 days of the initial creation.

And so the question for the BC, if they have any comments or feedback on this is, if they have any thoughts or direction about how long the lock should be post creation alone. In terms of the kinds of reasons why you may want to transfer domain name immediately upon creation, there aren't many. Typically, if someone is creating a new domain name, they won't have much reason to transfer right away. But if somebody wants to, there could be an opportunity for a greater portability under the 60-day lock.

So with that, I'm just going to now pause and ask if there's any feedback on the creation lock and also scroll through the chat while I wait for that feedback.

STEVE DELBIANCO: Susan Kawaguchi with a question.

SUSAN KAWAGUCHI: Actually, more of a comment. My recollection was this was put in place around the same time we really put new policies in to stop the kiting,

registering domains and not paying for them, but using them for abuse for five days and then letting them go. I think there's a lot of security in making a registration stay at a registrar because sometimes you're working with that registrar now to get registrant data and those kind of things. If they're switching registrars every other day or even, let's say, there was a seven-day hold or something every seven days, that could make enforcement more difficult. Maybe 30 days is a better timeframe to agree upon if we have to give in. But 60 days, especially for the initial creation of a domain name is helpful in preventing a cyber flight type of situation. I would argue to keep it at 60 days if you're losing on that, which I just feel every time I'm in a discussion with the CPH, we're losing. Maybe 45 to 30 days. But I think there's a reason. I think it serves a purpose for the 60 days.

ZAK MUSCOVITCH: Thank you, Susan. Sorry. Go ahead.

SUSAN KAGAWAGUCHI: I'm sorry. Then the change of registrant too, of course, you can transfer and then change registrant, but that helps with hijacking also. So if somebody hijacks the domain, if they're not knowledgeable enough, if they change the registrant, then that locks them up for another 60 days. So it's really addressing your next issue there or your next step.

ZAK MUSCOVITCH: Thank you, Susan. So I've made a note of that that your preference would be to keep it 60 days. Let me just try to paraphrase what you're

saying to make sure I encapsulated correctly is that the longer the domain name stays at the initial registrar upon creation provides more opportunity for enforcement of DNS abuse or trademark infringement, etc., because you'd be able to get some data from the registrar without having to follow around the registrant to different registrars, more or less.

SUSAN KAWAGUCHI: Yeah, exactly. But I am flexible. I mean, I'm not saying it has to be 60. But I think a minimal time period is detrimental.

ZAK MUSCOVITCH: Anyone else have any thoughts or comments on that, on the creation lock alone at this time?

HOWARD NEU: I put mine in the chat.

ZAK MUSCOVITCH: Okay. Thank you, Howard. I see that 10-day lock makes sense. Do you want to share your rationale for that?

HOWARD NEU: When you hand register a domain, which is what we're talking about, which is something that has not been previously registered, it could be something that's very contemporary, volatile, or certainly current. And to keep the registrant from being able to utilize that domain by selling

it, particularly for domain investors, is extremely long period of time. I see no reason why—if we're trying to protect the registrar, I see no reason why more than 10 days is necessary.

ZAK MUSCOVITCH: Okay. Thank you, Howard. So the creation lock wouldn't necessarily prevent someone from transferring the ownership if it's done through an inter registry push, for example, because it wouldn't change registrars at that stage. But there is an argument that has been raised by some that the registrant should be able to move its domain name and not be stuck with a particular registrar. It's just a matter of finding the right time, whether it's 10 days or 60 days. And Steve's asked a question, "Hand registered?" Howard, would you want to just answer what hand registered is?

HOWARD NEU: I was just typing my answer. Hand registered is a domain that nobody has ever thought of before. It's brand new, it's something creative. And you actually register it by hand by going into the registrar or whichever registrar you're using and creating the new name. That's what's called hand registered.

ZAK MUSCOVITCH: Okay. So we don't have much time to go over all these issues. This isn't going to be the fulsome discussion that some of us may want to have. But at least it's good to get some of these issues and thoughts out there for the time being. And as I mentioned, if anyone has additional

thoughts, please reach out to Arinola and I, we would really welcome them or share them on the list.

STEVE DELBIANCO: Zak, I wanted to ask you, though, because a number of our BC colleagues are very familiar with the portfolio management business of domain names. Most of us are not. I'm sure I wasn't the only one that didn't know what hand registered meant. But your answer to Howard indicated that his concern over the 60 days was somewhat misplaced, because you've replied that you can change the registrant at any time. It's only the question of whether you were moving to a new registrar. Do we have that right?

ZAK MUSCOVITCH: That's correct. Insofar as the creation lock is concerned, the initial registration lock, as you can see, is only on a change of registrar following the creation. But these other locks can come into play too. But that one standing alone does not prevent the sale or transfer, even, if it's within the same registrar. Some people may want to move that domain to another registrar within 60 days or within 10 days, whatever the timeframe is, this will prevent them from doing that. It's going to be at least a 10-day minimum based upon the feedback of some registrars about fraud concerns and the AGP so far.

STEVE DELBIANCO: I think you heard from Susan that longer is better for the initial registrar transfer lock. Howard's counter to that was somewhat addressed

because this doesn't restrict you to change the registrant, you can sell the domain. What we've heard so far is we would lean towards keeping it as close to 60 as we can.

ZAK MUSCOVITCH: Yes. I think that's the feedback from Susan, so far. I would like to reach out to Susan to get some more ammo on that. Susan, hope you'll indulge me if I reach out to you to get some more thoughts on that from you.

SUSAN KAWAGUCHI: Yes, definitely. I understand Howard's point of view. I mean, I've acquired a lot of domains in my career. And we left it at that registrar, had the seller, the current registrant push it into a different account that I controlled, left it at that registrar, I updated the registrant details and at 60 days, I then transferred it. But it didn't prevent me from using it or doing anything I would have normally done with the domain except move it to a registrar with better security. That was the only downfall.

STEVE DELBIANCO: So if there's anybody who objects to trying to keep it as close to 60 as we can, this would be a good time to speak up.

HOWARD NEU: Well, once again, sorry that I'm taking a reverse view on this. But Crews indicated that the infringers are hand registering new domains, and he's probably correct on that. But a 60-day lock is not going to prevent them

from doing that. If what Susan says is correct that the 60-day lock is to protect the registrar, then if it stays within the same registrar, it really doesn't matter. However, if an acquirer of a domain finds that somebody else is interested in that domain, I think that a 10-day lock is sufficient to protect the registrar.

SUSAN KAWAGUCHI: Howard, I never said protect the registrar. That's not my scope of work. That was not I was saying from an enforcement point of view. And I am not with a major brand right now but was formerly with eBay and Facebook, so famous brands with a lot of enforcement issues. If a registrant keeps changing registrars, that can create all kinds of churn for enforcement. Even with the UDRP. If I'm starting to give notice to that registrar and the domain changes, if I filed it, then you have to keep chasing them. So it's cyber flight on the registrant, the abuse of registrant actions. So protecting the registrar is not—I mean, they don't want to lose domains. But, the fact is, is people transfer to different registrars all the time. I don't think that was the intent of the 60-day, it was to prevent the cyber flight of an abusive registrant or infringing registrant.

HOWARD NEU: Well, I agree with that, except that we're talking about the initial registration. And that's all we're talking about, the initial registration. So that a serial cybersquatter could not—the initial registration does not apply, really, with the exception of the first transfer. Once the first transfer is over, it goes to the second provision, which Zak was going to

be talking about. So that has a 60-day transfer lock and that may be correct.

SUSAN KAWAGUCHI: Yeah, I don't follow that. To me, it's the initial because that's where most of the bad behavior begins.

STEVE DELBIANCO: This is an outstanding debate that I think we're going to have to continue via e-mail or in our next call because I want to make sure Zak and Arinola have time to cover the next two. But this is exactly good use of our time to debate the BC's position on something that's about to change. Zak and Arinola, you want to walk us through the other two types?

ZAK MUSCOVITCH: Yes, thank you. I'm going to start with the change of registrar lock, which is the third one in the infographic and go to the change of registrant lock after. So a change of registrar lock, this is the lock that a registrar may place on your domain name that prevents you from changing registrars from one to another. For example, if you were to have a domain name registered with GoDaddy and then you moved it to Tucows, Tucows could put a lock on it for six days preventing you from moving to a third one, Namecheap, just for example. Where this could come into play for business owners, for example, is if they acquire a business with a portfolio of domain names that are at a particular registrar and that's not the registrar they want to use, and they'd like to

move their portfolio to another registrar and some of the domains within that portfolio have already been moved from one registrar to another by the previous owner, the registrar could lock the domain so you can't move those domain names.

Now, it's crucial to understand about this lock, that it is not a mandatory lock. ICANN policy currently does not require registrars to put the 60-day lock on domain names. What ICANN says is that a registrar may. For example, if you're a brand owner and you have a boutique registrar that caters to brands, for example, or you're a domain investor that has an account representative that caters to your particular portfolio for example, you're able to go to your account representative, go to your registrar and say, "We'd like to move these domain names. You know us. You verify my identity. I'd like to move these domains to another registrar." And your registrar can allow you to do that and typically would. There is a discussion right now in the working group, it's whether to make locks mandatory. So that it's not a matter of whether a registrar may permit you to move your domain to another registrar, but whether they're able to. Some people want to make it mandatory and other people would like to have the current system where it's permissive. That's the question for the BC. Is, "Do you have any thoughts on whether the current policy is preferable to a new policy or vice versa?"

STEVE DELBIANCO: Zak, we only have 13 minutes. I'd like you to cover the other type of lock to tee up the question and then we're going to have to follow up with an e-mail to the entire BC. They'll reply to you.

ZAK MUSCOVITCH: All right, good. So let's go to the third and last lock, everyone. Change of registrant lock. Some of you may not realize that anytime you make what's called a material change to your domain name WHOIS details, if I can still call it that, such as changing your e-mail address or phone number, address or the actual name of the registered name holder, the registrant, a lock must be placed following the change. This is, by default, the registrar and this is where the [type] comes in, a registrar must impose a 60-day transfer lock under the current policy. But—and this is a huge but—the registrant can opt out of that. Typically, many of the larger registrars currently offer registrants an opportunity to opt out of that lock. If the registrant, for example, updated its zip code or its suite number last Tuesday and they needed to transfer the domain name to somebody else, maybe their IT consultant registered the domain name for them, maybe their branding agency did, maybe they want to buy and sell a domain name. Often, WHOIS details are changed at a time period close to when the transfer needs to occur. Currently, the policy permits the registrant to opt out of this otherwise mandatory lock. But there's some people that want to make that mandatory with no opt out. And some people want to change the 60 days, some people want to keep the policy as is. Feedback on the list, I guess, or directly.

STEVE DELBIANCO: In another call. We can easily hold a special call. Brenda will set it up for us. We'd invite the entire BC. Because this is exactly what we're supposed to do, is to debate it with the people that are representing us on the team.

ZAK MUSCOVITCH: Steve, I made transfer policy interesting for you.

STEVE DELBIANCO: You did. The graphic helped a lot. Thank you very much. Howard, thank you for your input, and Susan as well. All right, I'm going to turn back to the policy calendar so that I can let Tim Smith talk about the current issues in front of the CSG. Tim, go ahead.

TIM SMITH: Thanks, Steve. Listen, I found that really interesting. I've never had occasion to transfer a domain. So, for me, it was a real education. I appreciate that. I won't take much time here. I know we don't have much. The CSG ExCom has just had our first meeting for 2022, during which we're starting our planning process. You see it laid out here. A lot of what you see on this page is consistent with what Steve mentioned off the top of the call, which are the priorities of the BC for the coming year. But we did start off with a review of the 2021 CSG priorities, decrease the incidence of DNS abuse, improve legitimate access to domain name, registration data, improve ICANN compliance and bring ICANN up to date and overdue obligations. And we felt we needed to put more shape to that to make them more actionable. They continue to be priorities.

                        The CSG ExCom, we've circulated information for input and by the time we meet—I think our next meeting, we'll probably have that all finalized. We also recognize a number of other issues that you see here,

which we've talked about on this call and in other contexts. All of that helps to shape and prepare for the 90-minute meeting that we're going to have with the Board during ICANN73. And you see we've selected three topics: DNS abuse, governmental engagement, and ICANN work prioritization. Each one will be led by a different member constituency of the CSG, and we'll cover off a lot of those issues that are top priorities for all of us. In addition to the questions we are posing and the themes that we're presenting to the Board, they've also asked for us to consider priorities for 2022 and also ways in which ICANN's effectiveness and efficiency can be improved. There's a huge overlap between what we want to talk about and what they want input from us on. So that's very convenient. We'll be able to cover off those issues. And as I think I mentioned last time, the Business Constituency is chairing the CSG through ICANN73 and ICANN74. So we'll have a good opportunity to make sure that our issues are prioritized.

Then just on the horizon, I just want you to know that the Public Safety Working Group and CSG will be meeting on March 3rd. So put that in your calendars. The CSG membership meeting on March 10th that you see which we mentioned before. We're in the process of setting up a meeting with the GNSO appointed Board members. That's Matthew, Becky, Avri, and Sarah. No date at this point for that meeting, but it'll be a pre-ICANN meeting. Then I just mentioned the two plenaries that are for ICANN73 that I thought you'd be interested in knowing about. That's really it for me at this point. More to come in the weeks to come.

STEVE DELBIANCO: Thank you, Tim. Brenda, would you put up the overall agenda and let Lawrence take us home?

LAWRENCE OLAWALE-ROBERTS: Thanks, Steve. Good day, members. Because of the short time we have left on today's call, I'll try and be very brief around the report I have. With regards open ICANN announcements, the prep week is starting from the next week. We're going to need to register to attend any of the 12 sessions over the two-day which is 22nd and 24th of February.

The ICANN75 Fellowship application is open until the 3rd of March. That's in about two weeks' time. This is for the AGM built for Kuala Lumpur in Malaysia. The Fellowship management have designed this to be virtual. So those of interest, if it's of interest to anyone within the BC community, please take note of that.

The DNSSEC survey for Africa is still open. And NomCom is still looking for people to fill leadership positions. Please check the ICANN website for more information. We have until the 11th of March to fill the ICANN positions.

We want to welcome back to the BC, Waudo Siganga, our ex CSG rep. He is back to the BC under the umbrella of CygNet Technologies. Until now, he used to be the primary rep of AfICTA. Waudo, we'll welcome you back. Thanks for finding your engagement with the BC valuable.

We've extended the call for articles for the ICANN73 newsletter. Sorry, I'm so fast. I just remembered the recording and transcript. Forgive me. We've extended the call for articles for the BC's newsletter until

tomorrow. Thanks to [inaudible] and Zak for their lovely article, and to Mason for his always encouraging, well put welcome address. We still have opportunities to take at least two different articles. And we encourage members to scribble something interesting down for the ICANN community to read.

We have a few FY22 invoices that are still open. We want to encourage members whose company is concerned to please work at closing this out as quick as possible. We will do our best to walk with you through any challenges that you might have. I'll leave others and I will circle back to you, Steve. If there is any question for members, I will be open to take that. Otherwise, I'll give the floor back.

STEVE DELBIANCO: Thank you, Lawrence. Any questions for Lawrence or issues that other members would like to raise? All right. Seeing none, we are finished for today's call. Thank you all for attending. Especially thank you to Zak, Howard, Arinola, and Susan for the lively discussion. We'll talk to all of you in two weeks. Thanks all. We can end the recording, Brenda.

[END OF TRANSCRIPTION]