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BRENDA BREWER: Good day, everyone. Welcome to the Business Constituency Membership Call on 24<sup>th</sup> March 2022 at 15:00 UTC. Today's call is recorded. Kindly state your name before speaking and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. Apologies received from Barbara Wanner, Marie Pattullo, and Tim Smith.

I will now turn this meeting over to the BC chair, Mason Cole. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, good evening, everyone. Mason here, chair of the BC. Good to have you on our call of 24 March. We have an hour's time today for our meeting and actually a very busy policy calendar, so we'll dive into that just momentarily.

But before we do, the agenda is up in front of you on the screen. Are there any additions or requests regarding the agenda? Okay, I see no hands.

All right, we're going to go ahead and dive in because we have a lot to cover today. Steve, the floor is yours. Go ahead.

STEVE DELBIANCO: Thank you, Mason. Hey, everyone. Diving into the policy calendar, I can start what the open public comments because we haven't posted anything to ICANN since our last meeting. So we have two open

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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comments plus the NIS 2 work which is ongoing. And of the two open public comments, the first is that staff has prepared a Policy Status Report on the UDRP. That's the Uniform Domain-Name Dispute-Resolution Policy. Those comments don't close until April 19<sup>th</sup>. We've got time, and I'm so really, really pleased to report that we had four volunteers—Zak, Marie, John Berard, and Andy Abrams.

Andy Abrams, thank you for volunteering to hold the pen first. We have plenty of time on this. And if you'd like, Andy, I'll resurrect the previous comments the BC has done on UDRP and send it over to the four of you if that would be helpful.

ANDY ABRAMS: Yeah, that would be great. Thank you, Steve.

STEVE DELBIANCO: I'll do that today. Are there any other BC members who wish to jump in and help this team of four? We have more than enough skills there. Okay, thank you.

#2 on the open public comments is a brand-new study on the root zone process changes. They used an outside consultant who looked at whether the change requests at the root zone which is [a notion] at the root zone is that a TLD operator, whether it's a cc or a gTLD, is asking for a change to part of the key IP address and name server information at the root.

That seems to be a relatively infrequent process. I think it happens on average once or twice a day. And the provider or the consultant wants

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to improve the architecture to make it more resilient and, I think, more secure.

Is there any BC member who wants to take a look at that and make a comment on it? It feels like it's a little bit optional for the BC to weigh in, but let's say, to the extent that a few of you are running your own TLDs, think about that. Think about all the TLDs that Amazon and Google run today. Even Microsoft. Are you interested in taking a peek at the process that ICANN and IANA go through when you give them a change to the root zone?

Andy's already volunteered for something. Is there anyone else from Google, Amazon, or Microsoft? I look to you guys since you have TLDs. All right, not hearing anything. We may or may not comment on that one.

#3 is advocacy that the European Parliament—the trilogue, really, of the European lawmakers—on NIS 2. I wanted to turn it over to Drew, although I ...

There you are. Drew Bennett is online. Now Drew, the report that you sent me arrived hours after I had already sent this out, so the BC members don't have the details. I'm happy to put in the chat a link to the draft of the [points] or I can just display your last e-mail. Would it help to display that for you?

DREW BENNETT:

No, that's okay. We can just cover it orally.

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STEVE DELBIANCO:

Go for it.

DREW BENNETT:

In fact, the links you have in the calendar are still relevant and will be really useful. The update is, first of all, on the timeline of the process for the legislation. And it will be what could be a final meeting of the negotiators on April 25<sup>th</sup>. They do also have on the calendar a session for May 12<sup>th</sup>. That would absolutely be the final. But things are moving along and possibly by as early as May, we could see a finalized legislation. But really, June or later is more likely. But definitely within the next, let's say, three to five months.

So I'd like to propose one more communication from Mason as the BC chair reaching out to one or more of the representatives that he's already touched base with and had received more formal letters/submissions that we've done. But in this case, you'll see right there, the three points there are really key.

Just three things we want him to highlight and, really, kind of utilizing the publication of the study in DNS abuse published by the European Commission as an impetus to kind of say, "Well, here's some analysis from your institution on the problem that is related to something that's being addressed from NIS 2" and to kind of make that connection, then, how we see the subset of DNS abuse related to and potentially solved by some provisions in NIS 2, namely Article 23.

And we already have some points—most of you have seen and they are available through the links on the policy calendar— that we'd like to just communicate in e-mails. So I've already reached out to the drafting

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team. I've gotten some support and input from them already. And that team can kind of go forth from here with shaping the actual language that would be in Mason's e-mail.

We wanted to kind of brief the BC today on that and leave it open to, first of all, anyone joining that drafting team. And second of all, if you have any opposition to this plan, for Mason to do a less formal kind of outreach. So we wouldn't be publishing a letter in this case. It would just be what I can hopefully get down to less than two pages of text. Hopefully, less than one, honestly, in an e-mail.

So that is the plan we're proposing.

STEVE DELBIANCO:

Hey, Drew. Two things. Mason, I'll call on you in just one second. I want BC members to look at the names across the top of this. Those are the folks who have volunteered to be on the drafting team thus far. It is open to any BC member who wants to contribute. So I'll watch the chat to see if others want to kick in.

And when do we want to conclude the edits of the draft points in order for Mason to send the e-mail? What's the date you're looking for?

DREW BENNETT:

We've got at least two weeks. I think, ideally, this is a communication that gets to them approximately, I don't know, let's say 5-10 days before that April 25<sup>th</sup> meeting of the negotiators.

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STEVE DELBIANCO: Perfect, Drew. Okay, Mason.

MASON COLE: Thanks, Steve. Drew, I just wondered if you might set some context for BC members about why this is still important. There's a lot of work in the weeds here on NIS 2, but maybe if you could just move it up to a 10,000-foot level for BC members to understand why the BC is still active on NIS 2 and why it's important to us. Do you mine?

DREW BENNETT: Sure. Well, you get a sense there ... I mean, the recommendation in larger text from the Commission on DNS abuse. And in particular to verify the accuracy. There's a number of points in NIS 2, in Article 23, which itself includes registries, registrars, privacy proxy providers, resellers, all of those, in scope for this legislation that is really cybersecurity requirements for critical entities for operating infrastructure in the European Union.

So it puts them in scope and then specifically proposes some requirements that we think could help resuscitate, if you will, the WHOIS and require accuracy and verification of that accuracy, of the registration data that is in WHOIS. Obviously, things that we've been pushing for somewhat in vain when it comes to the Temp Spec.

So that is all still in there. Obviously, there's this just politics because they're negotiating the final provisions in the finalized legislation. And we know that some parties ... There's strong unity among some significant parties to have Article 23 as part of their redline. So an

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absolute, “This provision needs to be in the legislation.” There are others who don’t feel as strongly, so we’d like to reach out to those.

Honestly, I think the BC’s in best position to reach out to those who are kind of already in the camp or at least leaning towards it and to just kind of reiterate and let them know that, as a major ICANN constituency and users of the DNS, how important we see that provision.

MASON COLE:

Steve, a follow-up if I may. Drew, that’s really helpful. The idea is that in the context of the BC’s goals for the year, part of which is to help liberalize WHOIS and to deal with DNS abuse, lobbying on NIS 2 is important because the European Commission has, obviously, a direct line into GDPR and everything that has resulted from GDPR. And this will help clarify GDPR rules in a way that helps us toward our goals. Am I accurate?

DREW BENNETT:

Absolutely. There will still be the transition into the national level legislation that will take place over two years after this is finalized, so there will be a little bit of devil in the details there and, of course, perhaps in the interpretation and in the courts. But the stronger it is at this stage, then the more we can mitigate against risks of interpretation going forward. It’s fundamentally I think, like you said, clarifying the application of GDPR.

MASON COLE:

Okay, thanks.

STEVE DELBIANCO: Thank you, Drew. Any further questions on NIS 2? All right, thank you.

I'm going back to the policy calendar, and we are down to the Channel 2 which is Marie and Mark talking to us about GNSO Council. The previous Council meeting was the 9<sup>th</sup> of March, and I put in here anything that came about, like the agenda. I have the transcript and the Zoom meeting. And then I summarize the two consensus calendar resolutions that were adopted. I don't think they deserve a whole lot of discussion.

And I wanted to turn things over to Mark Datysgeld. And Mark, there's a point below where I'll be able to turn it over to you to talk about the DNS Abuse Small Team. But is there anything you want to tell us about the Council meeting coming up in two weeks?

MARK DATYSGELD: Thank you, Steve. So far, no. My focus would be on DNS Abuse Small Team. So if that's okay with you, we could go there. Or I could go back to it later.

STEVE DELBIANCO: Right. Give me a second. I'll go through them in order. The first one up, Zak. You and Arinola are doing the Transfer Policy Working Group. And if you recall, there are still plenty of BC members who want to have a fuller discussion. And I believe your advice was to wait until the timing for when the next working group decisions or input has been made, and then we convene the BC with interested members on a call.



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I think that's where we'd left it, Zak. What is your impression?

ZAK MUSCOVITCH: Hi, Steve. Many thanks. I think now's a good time to at least schedule a meeting within the next one, two, or three weeks. That would be ideal. Thanks.

STEVE DELBIANCO: Got it. So it's going to be a Transfer Policy Working Group. Brenda, I will look to you for help on that. So I would send an e-mail to BC members indicating who's ... I would send it to BC private, but what I would need to have in there is, I guess, a date and a time. And then you would have a Zoom link for us.

So let me ask you, Zak, since it's essential to have you and Arinola and Susan, could you work with Arinola and Susan to pick a date that you three can all make? A date and time. And then we're going to have Brenda book the time, give us a Zoom link. And then we'll send it to the whole BC private. Would that be okay?

ZAK MUSCOVITCH: Certainly. Many thanks.

STEVE DELBIANCO: So the ball's in your court until you get it back to me and Brenda. Thanks.

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#2 is the continuous improvement. Susan Kawaguchi handles that for us. Susan, is there anything you'd like to add on that? I don't see Susan on the call. Not going to happen. All right.

Susan and Toba represent the BC on the Registration Data Accuracy Working Group. And what I've pasted in here is that just the other day, Susan wrote to all of you about requirements for accuracy and registration data. And I highlighted in yellow what staff is saying.

What staff is proposing is that they come up with definitions to declare what is supposed to be under the current policy, not necessarily where we're going. But under the current policy they talk about, here, the syntactically correct. Right? Syntactical accuracy, @, and the location. Characters before the @. And then to be operationally accurate, verifiable information.

And there's even requirements in here that if the registrar learns of inaccurate data, they have to take reasonable steps to investigate and correct. I think it's good to get clarification that that's where the current obligations lie. We can argue all day about whether ICANN's enforcing it. They're not.

But that's the current update from Susan. And I don't believe that Susan is asking for all of our input right now, but if anybody has a question, let me know and I can follow up with Susan. And I don't see Toba on the line either. Any questions on this one? Great.

We're going to move to the next one which is that I represent the BC on a small team of council looking at the SSAD. That's that system of centralized access and disclosure. Standardized System for Access and

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Disclosure. And the ODA was an operational design analysis that was an assessment of what it would cost to build an SSAD.

We voted no at the end of Phase 2 on implementing an SSAD because we didn't think it would provide any value without a requirement that contracted parties would respond to disclosure requests from people like us with legitimate interests.

Nonetheless, the ODA comes back with a multimillion-dollar proposal, and Council and Board have been going back and forth on what to do next because nobody feels comfortable building something this big and expensive.

So over the past few days, I've shared with all of you some of the dialogue that's been going back and forth between this small team and the Board itself. Alex Deacon, I wanted to thank you hugely for the input you gave me yesterday. You'll see in this document, Alex, I brought your points up on the call and discussed the whole minimum required disclosure.

And for some reason, Sarah Wyld is being so cooperative and helpful. I think she, too, believes that a ticketing system might actually be helpful with the contracted parties and won't be expensive and difficult to build. And she's been hugely cooperative. So I've made comments to the doc. They've been accepted.

Steve Crocker is a little bit grouchy about things. Let me scroll down here to show you what he said yesterday. He basically warned everybody. He said, "This whole idea of a proof of concept ticketing

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system is all wrong. Don't just do something. You should just start over."

I have to say there's very little—very little appetite—to do yet another PDP where consensus will be elusive. So after Steve Crocker gave his speech, we continued to move on talking about the need for a ticketing system to begin the process of centralization.

Stephanie Perrin continued to harp at it and really called into question a claim I made that we need registrant information to protect our customers from fraud, from DNS abuse, from malware distribution scams, from denial of service attacks.

And once again, she went back to the shibboleth of suggesting that it's all about fake Gucci handbags and that when people buy one, they're buying a fake on purpose. Really? That's the best you can do? But that's where we are. Yes, exactly. She wants a completely unaccountable DNS.

So I think we're moving along. We have two more 90-minute calls next week. Alex Deacon, if you can join the call. You can always text me in the background points that you'd like me to make. And the same is true of any BC member.

So I'll take questions now. I've been trying to keep you all informed. You could always listen to the full call and transcript. I've included those links, but I won't go into more details right now.

ALEX DEACON:

Steve, can I just make a comment?

STEVE DELBIANCO: Please, go ahead.

ALEX DEACON: So just to Steve's grouchiness, which I appreciate, of just starting over. I think that does fit in with at least my view of what a ticketing system would look like. Again, I don't know what Steve has in mind, but no matter what we do SSAD wise, the foundation of an SSAD is a ticketing system.

So if we start with a simple ticketing system, a cheap ticketing system, I believe, based on the research I did and presented two years ago, that could evolve into a full-blown SSAD. So we may be able to kill two birds with one stone in terms of getting the data that we think would be important SSAD wise, but also I guess addressing Steve's concern. I don't see that there's much difference there, but maybe I need to listen to the recording.

STEVE DELBIANCO: Everything got quiet after Steve Crocker dropped that bomb, Alex. In the chat, Steve eventually came up with something he thought might be a reasonable way to proceed and it looks an awful lot like a ticketing system. So we could be okay on that.

I highlighted on the screen, Alex, the basic position I've been taking. I established that we voted no. We did not ask for the big SSAD. But everybody is trying to find something we can all agree on and that we

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believe will document that ICANN enforcement needs to step up and ICANN needs to step into the role of controller.

And I also added, not as a threat, but there's definitely a risk that inaction on the part of ICANN here would really empower rhetoric from those who want to change law, like U.S. law. It would require disclosures, [bringing] a direct conflict with GDPR. And that isn't going to make any of the contracted parties any happier. In other words, a conflict of law is worse than having to follow just the GDPR, in their opinion.

Thanks, Alex. Any other BC members have a question on the small team? Small team with a big job.

All right. Mark, I want to turn it over to you on DNS abuse. And you've put into chat the current set of questions. It's all yours.

MARK DATYSGELD:

Thank you very much, Steve. So please, BC members, have a look at the chat if you haven't already. These are the questions we have posed to the ACs. And we are now looking towards our own constituencies and groups over at the SO group to try to answer these questions.

Now based on everything I've discussed with the ExCom and the different approaches that I've seen going around, I've come up with an idea that I would like us to eventually have a look at. I'll pose it right now and I'll explain my rationale for my initial thought.

So these are my initial thoughts, and I'll walk you through it very quickly. I think we have found the weak spot for the contracted parties. And this

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came about via the European Union report. And I say that because they're having a really hard time answering questions when it comes to maliciously registered domains. They have a lot of things to say about that report, but this might be our best point of entry.

When it comes to maliciously registered domains, it seems like it is their problem after all. There's a lot of confusion and smoke and mirrors being made in relation to compromised domains and conflating them with maliciously registered. And that's where I think we should be striking.

I'm also leaning towards thinking that we should be aiming for something very specific, very tailored, something that rocks the boat rather than trying to initiate another multi-year PDP. So I've been looking a lot at how do we make sure that we don't stray from the provisions that are already in place and still make some impact.

This is based on every talk we had with Jamie, everything that has gone on with Göran. So I'm very much approaching this idea of a very minimalistic, very specific input that gets us to actually manage to change something; put them in a position where they have to think about changing things rather than this broader approach [at the end].

I would very much like to hear from, let's say, our leads on the subject—Steve or Mason, if you have any thoughts on this direction—because I have arrived at this after discussing it pretty much with everybody that has a stake in this process. Then it would be a good time to start consulting our constituency and our colleagues.

What do you think?

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STEVE DELBIANCO: Mark, thank you. So, Mark, to clarify what you put in the chat under Focus, that is something you've come up with as a practical way forward that doesn't require a full-blown PDP. Right? That was your proposal?

MARK DATYSGELD: Correct. We are going to collage different impressions and just to [inaudible].

STEVE DELBIANCO: It's fully-supported. It's what we need to do. I applaud the idea of trying to avoid a big fight over definition because last week at the ICANN meeting, the big fight was over whether we would adopt the EC's broader definition of DNS abuse. And during that battle, nothing happened.

I think what you're doing is a very practical way to move existing policies and existing definitions—the fact that maliciously registered domains aren't being attended to. So during the public forum, Mason asked me to put that question out there. And I did. ICANN Org didn't give us a very good answer. But [it] said, "Let's just focus on something that the EC study identified, exists today, and we're not doing anything about it. And it's maliciously registered domains."

Mark, do you remember that the DNS Abuse Subgroup in the BC came up with a plan to push ICANN to do an audit of registrars as to whether they actually do respond. I think we should combine that approach with what you've got here.



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After you launch this, we need to stimulate all of our BC colleagues to generate complaints and reports of maliciously registered domains that can be filed and then kept in a database so that we can keep track of whether the registrars responded. And if it indicates that they're not responding, we'd like to propose another audit. An audit of whether they're responding to something as egregious as a maliciously registered domain.

Does that sound sensible to you?

MARK DATYSGELD:

Yeah, that makes a lot of sense, Steve. I was trying to reflect, somewhat, the document while still incorporating the new things we heard during the last ICANN. And I think you're hitting the nail on the head. This compliance focus, I'll definitely add that. I wonder if Mason has ...

Oh, do you just agree with Steve or would you like to comment further on this, Mason?

MASON COLE:

No, Mark. I think the direction you're going is sensible. We're not getting a lot of traction through regular channels, so I think you should go forward with what you're doing. That makes a lot of sense.

STEVE DELBIANCO:

Now Mark, since there are only 23 of your colleagues on this call—and that's half of our membership—and you didn't get it to me last time for the circulation of the policy calendar, I'm going to ask you to send an e-

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mail to BC private delineating the questions and then your proposed response which you have in the chat. And give everybody a few days to get back to you before you submit it as the official BC position. Could you do that, please?

MARK DATYSGELD: Yeah, no problem. We have plenty of time to do that. We are actually slightly ahead of the curve. Small benefits from being co-chair of this. So the official call will go out, I think, in two or three days.

STEVE DELBIANCO: Okay. So Mark, we're looking for an e-mail from you to BC private indicated that you're looking for a reply within a few days. Put a date certain. Put in the request and your proposed answer and maybe a link to the Wiki that's used for the small team. And that way we'll give the other 25 BC members a chance to weigh in. Okay?

MARK DATYSGELD: I'll get that done and give a heads up that something very useful for us to do in this case would be to try to get the rest of the CSG at least behind some of the notions that we represent. That would be an important and interesting part of the project. So just a heads up to our CSG liaison that this might be an interesting intersection point. And we can chat off list [more about this].

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STEVE DELBIANCO: Right. So as soon as the BC approves your proposed approach, let's make sure that Tim shares it with our colleagues in the CSG. Tim's not on the call today, so we'll handle that after they've approved. Mark, if you need any help with sending those e-mails and coordinating things, I'm happy to do it. But I know you know how to do the same thing. Thanks, Mark.

MARK DATYSGELD: Thank you, Steve.

STEVE DELBIANCO: #6 is Jay Chapman who's on the line. Jay, you circulated to the BC a discussion you were having with Zak and Andy with regard to curative rights for IGOs. And it's complicated. Only the three of you guys really understand this thing, but you shared some concerns that you had which I attached. And then I reiterated on the policy calendar on the screen in front of you.

So I want to turn it over to you to explain where we are, what your concerns are, and whether you think we have a path forward.

JAY CHAPMAN: Sure. Thanks, Steve. I sent out an update to the BC back on March 9<sup>th</sup>. It was rather long. As Steve said, there's a lot of weeds that are really easy to get into.

Effectively, this working group, if you would recall at all, was put together to try and fix a situation from the previous IGO Working

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Group's Recommendation 5 which was not accepted by the GNSO Council. That particular situation that was not accepted was a situation where a UDRP was filed by an IGO. The IGO would win the UDRP, and then the respondent would try to go to court. Effectively, well, anyway. I don't want to get too ... It's really easy to get in the weeds in this, so sorry about that.

Let me just say this. So basically the EPDP was able to fix the problem from the prior IGO Working Group that the GNSO mandated us to resolve. We resolved it by saying that there is now a de novo arbitration "appeal" for Losing Registrants. So that was fixed. That was actually in line with what the BC suggested.

And again, thanks to Andy Abrams for coming up with a compromise to try and move the IGOs and some of the other people in this EPDP to getting to this resolution.

The concern that I noted and that Steve highlighted here on the policy calendar e-mail is just that there is going to be a change here in the UDRP process. Under typical UDRP if anyone else outside of an IGO would file a UDRP, they have to agree to Mutual Jurisdiction, which means that if there are any—again, they don't call them appeals—but de novo reviews of cases after the UDRP, those typically happen in court.

And the complainant has to agree when they file their UDRP to have that court in either the location of the registrant or the location of the registrant's registrar. And that's considered the agreement to Mutual Jurisdiction. The IGOs did not want to agree to that. They felt like they

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were giving up their privileges and immunities, and whatnot. So there has been ...

Again, due to a compromise, the IGOs have agreed to the arbitration appeal as well as the opportunity to go to court. So the way it would work is the Losing Registrant can go to court. IGO can argue that its privileges and immunities prevent it from being subject to the jurisdiction of that court. If the court agrees, then the registrant can still go to an arbitration appeal after that to have the substance of the case decided. So that's a good thing.

The concern that I noted was just that the other side of that coin was that the IGOs wanted to have the Mutual Jurisdiction requirement removed such that they were not required to go to court. Through Andy and Zak and some of the other people—Marie and Jimson—we tried to get the IGOs to agree just to say, "Look, you can agree to the Mutual Jurisdiction requirement, but that doesn't prevent you from asserting your privileges and immunities at court." They would not agree to that.

So finally, we got to a point where the IGOs could agree that they don't agree to anything. That business registrants can still go to court after they lose a UDRP, but that the IGOs haven't agreed to anything. And the substance of that is, as Steve has highlighted here, that I think that losing that Mutual Jurisdiction requirement ...

I think what happens there is that the registrants would have a better opportunity to have the substance of their case decided by a court with the Mutual Jurisdiction requirement in place. When you remove it, I

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think it's actually less likely—although, again, not completely guaranteed—that a court won't listen to the substance of a case.

And again, thanks to Zak and Andy for discussing that with me. So we went through the discussion on that. I think they're both on the call, so they can speak for themselves. But anyway, they felt like it wasn't quite as concerning as maybe I did.

And so at this point, unless there are other questions or engagement that anyone in the BC would like to share, I think we're going to go ahead and the BC is going to agree with and support the consensus designations, even on this remove of Mutual Jurisdiction provision. Thanks.

STEVE DELBIANCO:

Thank you, Jay. Jay, so if I set up a URL called RedReliefForUkraine.org and the Red Cross and IGO filed a UDRP saying, "That's confusing with the RedCrossForUkraine.org" and they won the UDRP, you're trying to preserve a little bit more of an opportunity for me who lost the UDRP to assert my rights in a court that could take a look at my arguments in a way that gives me a chance to prevail. Is that about right?

JAY CHAPMAN:

That's correct. And I really think, I mean, there are a couple of extreme positions that people on the IGO and on the registrant's side are trying to protect. And both make perfect sense. And that is, for the IGOs, their stated interest is that they want to prevent impersonation—people

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actually trying to commit misrepresentation and fraud through URLs. Which makes perfect sense.

But on the other side, though, you have registrants who ... Again, people are human. Right? So there are such things as reverse domain hijacking and people who file UDRPs in bad faith. And sometimes those things need to go to ... Even a bad faith case sometimes squeaks through and is successful at the UDRP level.

And so it's those situations where you've got a good faith business registrant on the other side who's simply trying to protect their property. And the issue is, should they be able to go to court? And the answer right now from the EPDP is, yes, they can go to court but we're not requiring the IGO to agree that it will be subject to a court's jurisdiction at this point.

STEVE DELBIANCO:

That's really helpful. Thank you. Any questions? Great.

Let me move now to Tim Smith's portion of the agenda. Tim's unable to be with us today. He has a board meeting. I have a couple of additions to this report which is largely recycled from this week.

When Tim characterized this Public Safety Working Group session, Tim wanted to add to this that we made a suggestion that the CSG and GAC collaborate in a future session to look at the PICDRPs—how many have taken place and how can that be used in the future? And we've agreed to pick that up again.

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And the PSWG, that's the Public Safety Working Group of the GAC. And they had a session with the CSG to highlight the good practices of contracted parties who demonstrate some progress. You know, it's never a bad idea for the BC to find a contracted party or two that's doing things the right way and hold them up as an example. That would be helpful to give us a balanced rhetoric.

Finally, what Tim gave us was a report on our session that we held with the Board and CSG on March 8<sup>th</sup>. We talked about the priorities in the CSG of coordination between the three groups, improving our access to registrant data, and helping to successfully mitigate DNS abuse. So we're right back on DNS abuse again.

And that issue was discussed by the Board small group. It's now called the DNS Abuse Caucus. And we're told most of the Board is involved anyway and they think all parties have a role to play. So I think the small team that you're on, Mark, will play into what's going on there as well.

I'll turn it back over to Mason with one final request from Brenda. During this call there was a working policy discussion on planning for ICANN74 in June. And I think that may have included a discussion of whether it will be in person or remote. So Brenda, if you have any inclination of where they are—none of us are on that call—but report to us by the end of this, if you can, the current thinking.

And I'll give it back to you, Mason.



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MASON COLE: Thank you, Steve. All right, that was a comprehensive review of policy. We've got a lot in front of us, obviously. So as many BC members as can step up to help out on the policy front would be very appreciated.

We're on Item #3 now. We have 20 minutes left to go, so we're doing okay on time. Lawrence, over to you for operations and finance, please.

I'm sorry. Wait a minute, Lawrence. Brenda's hand is up. Brenda, go ahead, please.

BRENDA BREWER: Thank you, Mason. I was going to take it down. I just wanted to let you know that I, of course, am missing the Production Call but it is being recorded. So I will listen to it and share it with Mason as well after the meeting is over.

MASON COLE: Thanks very much, Brenda. Yeah, the Production Call is today. And I actually received e-mail from ICANN staff this morning that the next Production Call overlaps our BC meeting—

LAWRENCE OLAWALE-ROBERTS: Thank you, Mason. I see Brenda's hand up.

MASON COLE: One second, Lawrence. The next Production Call overlaps our BC meeting on April 7<sup>th</sup>, and it would be very helpful if there's a BC member who could stand in for BC leadership on that meeting. So if you're

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interested in that, please e-mail me separately and we'll make sure to get you set up on that call. That would be very helpful for the BC.

Sorry, Lawrence. Back over to you. Not hearing Lawrence. Did we lose Lawrence?

BRENDA BREWER: Looks like we lost Lawrence's audio. Oh, it's back.

MASON COLE: Okay, let's give him a moment. Brenda, could you check on that, please?

BRENDA BREWER: Yep.

LAWRENCE OLAWALE-ROBERTS: Sorry about that. I got kicked out. I think I'm back now.

MASON COLE: You are. Thank you, Lawrence. Go ahead.

LAWRENCE OLAWALE-ROBERTS: Can anyone [hear me]?

MASON COLE: Yep, go ahead.

LAWRENCE OLAWALE-ROBERTS: Thank you. So please, just a minute to pull up the report on my screen. Open community announcements. Speaking to the question posed by Steve earlier, there was a blog post by Nick Tomasso, in charge of the Meetings Team, giving some information on participation for ICANN73 and preparations for ICANN74. I think this came out yesterday or the day before.

So for the last ICANN meeting, which was fully virtual, we had about 1,570 attendees. And seeing that it's been a long row of virtual meetings, I think it's incredibly good that ICANN still has this number of attendees for its virtual meeting.

There were about 202 participants from Africa, about 346 from Asia and the Pacific, about 350 from Europe which amounted to 22% of participation. There was 120 for the Latin America and the Caribbean region. And North America had the largest share of 560 participants.

There was some other news about preparations for ICANN74. We're told to watch out for developments in the coming week, but it still appears that the plan is to have ICANN74 as a hybrid where there will be in-person participation as well as the online participation. I'm sure that by the next BC meeting, there should be some more details around this.

I'm sure also that ICANN is keeping tabs because there's going to be an in-person meeting which we might not be hitting. We're maintaining the timeline and, definitely, we are behind schedule.

I want to bring to members' attention the fact that there's going to be a webinar on the UN and ITU discussions as they affect the Internet. This is billed to come up on the 12<sup>th</sup> of April, and we want to encourage BC members to sign up and observe this particular session. It will be nice to hear what ICANN is doing in terms of its engagement and preparations. It's an interesting process because there's also supposed to be a change in the ITU general secretary leadership. And that's of interest a lot of stakeholders and to the BC also.

Moving on, we don't have any new members in today's member. We will have an active membership of 65, which isn't bad. We still have nine members who we're working with to close out their invoices for the current and the last [inaudible]. Once we receive the invoices [inaudible] begin to act on them. A new set of invoices will go out on the [inaudible] Brenda to be able to help [inaudible].

The BC, prior to ICANN73 happening, decided to step up its social media engagement and went on to also create [inaudible] on the directives of the Communications Committee. The Communications Committee has been actively meeting in terms of [inaudible] online. Many thanks to [inaudible] meeting and for the strategy.

We are encouraging members of the BC who are active on Twitter, Facebook, and LinkedIn to tag the BC, @icannbc. BC's policy positions [inaudible] most likely retweet such messages [inaudible].

We've invited BC members to review the draft BC ICANN Learn course that is being developed. This course has been a work in progress, and by tomorrow we're supposed to have the call for edits by BC membership

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closing. I would like to bring a very important point before members and possibly take a minute or two to discuss this.

But before I do that, many thanks to the staff team—Chantelle, Brenda, Carlos, Chris Mondini, I've forgotten a name again—for all the work that went into this draft course and for all the BC committee members that have contributed to it.

We have a link here where members can use to reach the course.

BRENDA BREWER: Lawrence?

LAWRENCE OLAWALE-ROBERTS: We need to [inaudible]. Yes?

BRENDA BREWER: Sorry to interrupt, but your audio is rather wobbly. It's unstable. If you could turn off your video, it should make your audio much better.

LAWRENCE OLAWALE-ROBERTS: Thank you for that.

BRENDA BREWER: Thank you.

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LAWRENCE OLAWALE-ROBERTS: I will take that again. The work on the ICANN Learn course has advanced, and we actually should be closing the call for edits by BC membership tomorrow. Except if members feel there is much more time needed, we can definitely work on an extension until possibly Monday.

But there is language in the draft right now as we have it that I want to bring to members' attention so that we can be sure that we have consensus. We don't want to say, well, [inaudible] for review and it was attended to.

In terms of definition, we have this language, "The Business Constituency, or BC, represents commercial users of the Internet [with the] exception of companies [inaudible]. Okay? We will go ahead to adopt this. Where we want to propose edits, please I would want to give a minute if not more to members who might have edits to propose. Otherwise, we will be adopting this as the language.

This is important because this course is curated by the BC itself. So everything here is a BC position, and we want to be sure that it adequately captures the BC position.

I want to pause to take any comments before going on. All right, so hearing and seeing none. Please, members, the link for the course is on the Google page. It's posted here. We can still go there to suggest edits and do our reviews.

Thanks again to John Berard. Thanks to Gabby, to Waudou, and others who have helped to fine-tune this particular course.

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The next steps for this, after we have adopted it as the BC, will be for staff to curate, put it together, and turn it into a course and go live. Many thanks for all that have participated in this process.

As I mentioned earlier, the invoices for the coming year are going out in a week's time. Please, let's watch out for those. And for those companies that still have outstanding dues, rather than allow any to pile up, please let's work at closing this out before the incoming financial year.

The process to select a BC councilor and the NomCom representatives is now in progress, and these candidates will be taking their seats at the end of the ICANN75 AGM. Currently, the GNSO seat up for election is for Mark Datysgeld. He's eligible for re-election into this particular role. And definitely, from interactions, I'm sure that Mark will be stepping forward to be re-elected and to continue to serve as our councilor.

We have two positions—one for the small and for the large business seat on NomCom—and already, there have been indications from certain members that they would be interested in these role. And so I'm sure that by the time the nomination process opens [inaudible] nominated for this role.

The timeline is shared. Nomination opens on Sunday the 27<sup>th</sup> of March and will close after two weeks on the 11<sup>th</sup> of April. By the 18<sup>th</sup> of April, which will be our second meeting in April, we will expect to have candidate statements submitted by the 18<sup>th</sup> such that by our second meeting on the [inaudible] candidates for these roles.

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Election will start immediately after the meeting. That's on Friday the 22<sup>nd</sup>. And by the 29<sup>th</sup> of April, the announcement for whoever it is that will be filling these roles will be announced.

Many thanks to Scott and to Tola for serving the BC in this [capacity] over the last two years and seeing through the process. This is important to [inaudible] up-to-date members are eligible to nominate the [inaudible] regroup at a particular time.

If there are any questions for me, I would be happy to take them. Otherwise, I will yield the floor back to Mason.

MASON COLE:

Thanks, Lawrence. Your audio was a little choppy there, but I think we got most of what you were reporting. Any questions, updates, or comments for Lawrence please? Okay, I don't see any hands. Lawrence, thank you very much for that report.

LAWRENCE OLAWALE-ROBERTS: Hello, Mason?

MASON COLE:

Yes, please. Go ahead, Lawrence. Nope. I think we lost Lawrence, Brenda.

BRENDA BREWER:

You are correct, Mason.



MASON COLE: Okay. I think we got most of what Lawrence was reporting anyway, but are there any follow-ups or questions? I'd be happy to follow up with Lawrence directly after the meeting if anybody has anything.

STEVE DELBIANCO: Mason, I did want to, with the one minute remaining here ... Arinola Akinyemi is on the line, and she serves on the Standing Selection Committee. They are now opening a review of their charter. And Arinola's going to e-mail that to all of the BC members.

But Arinola, do you want to introduce the topic real quickly in the minute that remains?

ARINOLA AKINYEMI: Thank you, Steve. Good day, everyone. The GNSO Standing Selection Committee are in charge of helping the GNSO to make nominations to various that the GNSO Council will be making. The Standing Selection Committee is in charge to help with the nomination process.

Currently we've had a series of inquests into the committee work that has not been expressly spelled out in the charter for the Standing Committee. By virtue of this, the committee is looking at reviewing the charter. And by so doing, we have gone through the stage of writing to the GNSO Council to give the go-ahead for us to do a charter review.

The approval came in, and we will be going through the charter review. And like Steve rightly said, I will be sending e-mail with the context of

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what we want and whether BC could comment and have inputs from the members. Thank you.

MASON COLE:

Arinola, thank you very much. All right, so any questions or follow-ups for Arinola? Okay, I see no hands.

With the minute we have remaining, any other business to raise for the BC this morning? All right.

Well, we filled out that hour nicely. Thanks, everyone, for all of your input and for your attendance today. Our next meeting is Thursday April 7<sup>th</sup> at our regular time.

And again, if there's a BC member that can help out your fellow members with joining the ICANN Production Call for ICANN74 for the same day and time. I hate to take time away from the BC meeting, but it would be very appreciated if we can find someone to help do the planning work for ICANN74 because it's coming up very quickly, actually. It's going to be in mid-June, so it's just around the corner.

All right, seeing no other business, with a reminder that our next meeting is April 7<sup>th</sup>, I'll say thank you to Brenda for the support. And we'll see you next time. The BC is adjourned. Thanks, everyone.

**[END OF TRANSCRIPTION]**