BRENDA BREWER:	And good day, everyone. Welcome to the BC Membership call taking place on Thursday, January 28th, 2021, at 16:00 UTC. This meeting is recorded. Kindly state your name when speaking for the record and have your phones and microphones on mute when not speaking. Attendance will be taken from the Zoom room. I'll turn the call over to Mason. Thank you.
MASON COLE:	Thank you, Brenda. Good morning, good afternoon, and good evening, everyone. Welcome to the BC call on January 28th, 2021. We have a packed agenda, as you can see, as usual. So, in the interest of time, we're going to dive in right away. Let's start with item number two. We're going to have a discussion of BC funding requests that are due shortly and Laurence is going to lead that discussion. Lawrence, over to you, please.
LAWRENCE OLAWALE-ROBERTS:	Thank you, Mason. Good day to every one of us. So, we had circulated the additional budget request that we'll be making to membership. We have three proposals that we are working around. The first one has to do with outreach materials, which, traditionally, is used in producing the BC newsletters at the different public meetings.
	The newsletter production has more or less become a standard and it has enjoyed a budget request since FY 2013. We have about $1,500 to print the newsletter but, since we have gone virtual in our meetings, this hasn't

been utilized to a large extent. But hopefully, by FY22, we might have resumed meetings and will be able to use this provision.

The second one happens to be around a leadership development program. ICANN has funded that severally in the past but this didn't pass through in the last … For this current financial year. There was a talk around CROP being available for such use and wanting to have some more visibility as to how participants for that program were selected. So, based on that, we have reviewed the proposal to sort of include ICANN in the process of selecting participants.

We have also a major proposal change to the proposal: making it open for anyone from within the business community to participate in the leadership program, not just the developing countries. We have shared this proposal with the stakeholder engagement lead in ICANN, Chris Mondini, and he has asked that we adjust the number that we were seeking from three to two, and that has been adjusted in the proposal that will be submitted.

Hopefully, another addition, another change that we included, was a webinar to announce … I mean a webinar, which could more or less be the format of a BC open meeting where we can talk about policies and stuff like that, or an issue of interest to the BC, and, at that particular webinar, announce a call for participants to be selected for the Leadership Program.

In other words, we intend to use such a webinar as a place to pool participants or select candidates and eventually need to pick two out of whoever joins the webinar. So in other words, one criteria that will be

used for anyone who wants to assess the BC Leadership Development Program will be to participate in the BC seminar webinar and, from there, whatever process the ExCom and BC stipulates will be followed.

I will just run through the third one before taking any possible questions, or else I will stop for questions at this point. The third one happens to be development of BC-specific materials, training and onboarding materials, and our goal is to be able to have some BC-specific course on ICANN Learn.

ICANN Learn is a platform developed by ICANN and every newcomer to ICANN, those who happen to join the Fellowship program and the NextGen program, are always directed to go to ICANN Learn to learn about the different communities/constituencies within ICANN and help to make a choice for a future home.

We currently have just one course on ICANN Learn and it's not specific to the BC because it's a course that encompasses the CSG. So, it talks about the BC, the IPC, and the ISPC. And so, I'm interested in seeing that we have some BC-specific courses on ICANN Learn. We have also received some feedback from Chris and the content team of ICANN regarding this proposal of ours that we are submitting for the additional budget request and they have helped with some very valuable feedback.

A key out of that feedback is that, because of the cost of having to develop content, we might have to reduce the number of courses that we are looking at putting on ICANN Learn and also adjust to the type of [inaudible]. I would want to stop at this point. We have taken in all of this feedback and we are putting it into the document I will be submitting

later today as the deadline is tomorrow. I would like to stop, because of time, to take any questions from members. Thank you.

MASON COLE: Thank you, Lawrence. I think Mark has his hand up. Mark, go ahead, please.

MARK DATYSGELD: Thank you very much, Lawrence, for that explanation. It's really good that you're taking a leadership role on this. So, I actually started working on some things for the BC for ICANN Learn, but to do something good that's just not a bunch of promotional material is actually pretty hard. I wanted to compile some key positions we have, give examples, record some videos.

That consumes a lot of time. It wouldn't be a simple project. It would take dozens of hours. So, unless somebody sees any conflict of interest in that, I would be very available to do it, especially because I know the platform and I want to do it. I just can't find the right excuse to spend so many hours on something like that but I am super-interested in getting back on this project. So, just letting everybody know.

MASON COLE: Thank you, Mark. Other questions for Lawrence? Okay. The chat is clear. I see no more hands. Thank you, Lawrence, very much for that update. I'm sorry, you had more?

LAWRENCE OLAWALE-ROBERTS: Yeah, sorry, Mason. Just to add thanks, Mark, that is noted. My thinking going forward is to have … We will be putting … I intend that we put out a call for volunteers that can help with the development of the content and also to meet the different specifications that we got from the ICANN team that we are working with. So, please do watch out for the call in the days ahead. Thank you.

MASON COLE: All right, very good, Lawrence. Thank you very much for that update, very comprehensive. It sounds like we have some opportunities, here. All right. If there is no more for Lawrence on that agenda item then let's go to item number three. Steve, over to you for the policy discussion, please.

STEVE DELBIANCO: Thank you, Mason, Lawrence. Hey, everyone. The policy calendar that I circulated yesterday, we can dive right into it. First channel on here is items that we have posted on recently. There are two since our last call. The first one is we commented on the ePDP Phase 2, priority two recommendations.

This is a comment that was solicited by the ICANN Board, which was an opportunity to raise some very high-level arguments. We supported all four of the priority-two items, which we had already discussed and voted on earlier, but we also went on … Thanks to the work by Alex Deacon, Drew Bennett, Andy Abrams, Mark Svancarek, and Vivek, we added some very strong language in a context part of our comment. It's a little over a page-and-a-half. It's at the beginning.

I've just pulled an excerpt for those of you who hadn't had a chance to read it. I circulated it last Friday before we posted it, giving folks time to revise and extend if they felt necessary, but no members did so.

So, we took a bold line and suggested that ICANN ought to pause the implementation of the ePDP, Phase 1, Phase 2, whatever, until it reviews some incoming legislative initiatives. We already know about the NIS2 from the European Commission. I'm going to be discussing that three times on today's call.

And the other is some stirrings, again, in the U.S. Congress to potentially come up with legislation requiring that registrars serving U.S. registrants or U.S. viewers/users would have to disclose registrant information, along the lines of what WHOIS, in many respects, used to be.

So the idea is that, if legislation like GDPR put ICANN into a panic and adopted a temp spec, 2018, then new legislation, especially clarification of the GDPR, I guess, would also motivate a new Temp Spec. At this point, we're saying the way the policy should work is that ICANN ought to be reviewing what is in the draft for NIS2 that's open for feedback right now. Thanks again to Drew and Alex for leading the work on that.

We also posted on the 20th of January a comment with Mozilla—so, it's not an ICANN comment but it's part of the BC's concern—and this was brought up by Mark Datysgeld. Mozilla put out a request for comment on DNS over HTTPS in the Trusted Recursive Resolvers. We filed a very brief comment that pointed out that the turf, the domain of ICANN, is really handling a lot of what it is that Mozilla claims they want to cover. So, it

was not a very deeply technical comment, it was more about turf. Thanks again to Mark and Alex for leading that.

Let me scroll down, now, to the currently open public comments. We have one that's within ICANN and one that's outside. The one within ICANN is a comment on ICANN's draft operating financial plan for the next five years. Now, we commented on this in February of 2020. We do comments every year. It's usually thanks to the crew led by Jimson.

This time around, we have a new crew in town. So, Lawrence, Tim Smith, and Arinola, let me thank you for volunteering to draft the BC comment. That's due the 15th of February, so we should be circulating something to BC members before February the 7th, so I'll look to follow-up with Tim, Lawrence, and Arinola. Again, you can work off of what we filed one year ago as a template. Any comments on that or new volunteers? Go ahead.

LAWRENCE OLAWALE-ROBERTS: Sorry, Steve. The team circulated a draft to the Finance Committee and that was yesterday. I was wondering if you might want to share something about it.

STEVE DELBIANCO: Is that …? Yeah, go ahead.

LAWRENCE OLAWALE-ROBERTS: But one of the observations that have had is the document is about 300 pages, thereabout. One comment that has been around in the community is that ICANN has to start looking at a way of presenting its

plan in such a way that it is not so voluminous and weary for community to be able to go through and still not lose the important points around the finance.

STEVE DELBIANCO: Thank you, Lawrence. One of Jimson's favorite comments to make on these budgets and plans was to require that the executive summary be sufficient to convey all of what is really important, and then the detail was there if you needed to dive in.

So, I would encourage the finance committee to reiterate that demand, that the executive summary be more consumable, more accessible, and be just what the casual ICANN participant would need to see—wouldn't have to read the whole thing. We could even, if we felt that there were specific ways that the executive summary was lacking and deficient, point that out in this comment. So, if your Finance Committee has already looked at one draft, I would suppose it would be easy to get something out to everyone well before February the 7th.

LAWRENCE OLAWALE-ROBERTS: Sure.

STEVE DELBIANCO: Thanks, Lawrence. All right, let me move to number two, here, on the list. Number two: the European Commission is accepting feedback on that proposed NIS2 Directive, and I have links to it, here. As far as we can tell from the website, their "feedback period" closes the 18th of March. Now,

they already had a public comment period which closed in October, and now they call this a feedback period.

There are elements of this directive that are immensely helpful to the long-established position of the Business Constituency to have better access to registrant data in order to protect our customers and users. Now, who is more familiar with European Commission procedures and can clarify what the date is and what the feedback period will allow? Does anybody have a …? I'm looking for hands in the chat or you can just speak up.

MARK SVANCAREK: I volunteer Ben.

STEVE DELBIANCO: Well, Ben is already one of the volunteers, Mark.

MARK SVANCAREK: I know, I'm volunteering him again.

STEVE DELBIANCO: Okay.

BEN WALLIS: Steve, hi. I was only hesitating because I hadn't looked in detail yet at the commission's consultation. In the team that we have set up to produce a BC comment, we have been discussing tactics. I had suggested that, once

a directive is published, once a draft directive is published by the European Commission, it's actually really in the hands of the two institutions that decide on the final text, the parliament and the council. And, generally, what you do once the draft law is out there is you start to target those decision-makers.

And so, I had suggested that we think about who we could reach out to in the European Parliament and in the Council Ministers. I think we have [Nicolas] from Disney who is in this working group, as well. He is actually based in Brussels. I'm sure he can provide some more up-to-date ideas because it has been five years since I was based in Europe and working on EU stuff directly.

The Commission still has a role to play. The Commission will be asked by the Parliament and the Council to explain the intention behind the legislation, to offer views on any edits to the legislation on any impact that would have, and the Commission will be the one that facilitates the final stage where the council and the parliament have to get together and agree on a final version of the law. That gives them some power, as well.

So, I need to look at the exact wording of the Commission's consultation because I am not used to the Commission doing that kind of separate exercise and it might well be, then, if they have launched this, that we do direct comments to them. But I think, in addition, our working group should think about who we reach out to in the European Parliament and the Council Ministers. I was wondering whether we might privately reach out to Elena—

STEVE DELBIANCO: Plexida.

BEN WALLIS: Yeah, given that she was in the secretariat of the Council of Ministers and knows that process very well.

STEVE DELBIANCO: Yes, please feel free to reach out to Elena. What I'm trying to do is maintain the integrity of the BC process so that our members have full visibility of anything that is represented as BC position. So, for that reason, we should draft a comment, even if the target of the comment is the European Parliament and the Council of Ministers. If the feedback period is still open, I'm sure we would want to publicly post the comment to the feedback.

I love your idea of targeting the audiences that matter most, European Parliament and Council of Ministers, but we're still going to want to develop a comment with key talking points and rationale that can be approved seven days before it is discussed with those particular parties.

So, maybe the 18th of March date is just arbitrary in some respect because we're going to post it to the feedback place, but, the sooner that we want to do outreach to the two target audiences, we still need seven-days' advance notice of what that outreach will be so that the BC members can come and approve it.

BEN WALLIS:
Yes, of course. So, I think we're looking to speak as a working group early next week, so we are certainly getting started. We're already sharing ideas about what the substance of our comment could be.

Something which might appear a little different than normal BC comments is that we will probably try and use a format where we're actually showing how we would amend the law, and then providing a rationale for each amendment, partly because it helps to demonstrate what we're getting at and what we want, but also you're not inviting the parliamentarians to work out how to amend it. You're telling them, you're giving them words, and that's how the [inaudible] tends to happen in Brussels and, I'm sure, elsewhere, as well.

STEVE DELBIANCO:
And did the earlier, October comment period result in changes to the text?

BEN WALLIS:
So, I wasn't following closely enough. They did a comment. Usually, the European Commission would do a public consultation before they publish a draft law, so you don't really know what was changed because it's an internal European Commission document. As part of their deliberations, they launch a public consultation, and then they take that into account, and then they publish a draft law.

STEVE DELBIANCO:
All right. So, two things. It's fine for the group, the drafters, to reach out to Elena and ask a lot of questions. Elena and the Strawberry team, we

have already lobbied them heavily on the work that ICANN has been doing, but the insights that Elena can provide are definitely valuable and the insights of Claudia, as well.

So, you can do that in advance of publishing for the BC member review. It's fine if the format looks completely different than an ICANN public comment. His isn't an ICANN public comment but it will be on the BC website, is what our advice was to the European Parliament and the Council of Ministers, if that makes sense.

And keep in mind that there has to be some context applied to it. The context would be that the actual GDPR caused ICANN to just lurch to the left and adopt the Temp Spec over interpretation of what was in there.

So, it's only sensible that the EC would look to bring it back more to a reasonable interpretation but we definitely want to manage the expectations, here. We have been unable to get a reasonable interpretation of the earlier GDPR and so, therefore, we are counting on this clarification to GDPR to drive a new Temporary Specification.

That's not a plan, it's the reality. We are probably going to have to do that since the ePDP isn't paying much attention at all to what words are in the NIS2. And then, I have two hands, from Margie Milam and then Barbara. Margie, you're first.

MARGIE MILAM: Hi. Yeah, I want to echo what Ben said because I heard the same thing, as well, that the information that we want to submit through this consultation process should be a redline of the language and suggested

revisions. So, it will be a different format than we're probably used to doing as a BC, and I think it's a great idea.

And I also wanted to suggest what Steve said; perhaps we could reach out to Claudia Selli, who also has a lot of insight as to what the process looks like, to see how we can influence other parts. But having that on the record so that everyone can see publicly what the BC has requested, I think, will be helpful for that consultation process. I think it's a great idea.

STEVE DELBIANCO: Claudia is among the list of drafters that we have in there. So is Barbara Wanner. So Ben, make sure all of those names that are right there and highlighted in front of you are included on your invitations to conversations. If you have new names from the BC, let me know and I'll add them. Again, any new BC member should raise their hand to jump into the drafting team. Barbara.

BARBARA WANNER: Yeah, thanks, Steve. No, just a very quick comment, if ben could add me to the e-mail list of that core group that's going to reach out to Elena, I would be grateful. Thank you.

STEVE DELBIANCO: Thanks, Barbara. In the chat, Marie has posted ICANN's perspectives on that, and I believe I already had that. It's in the blog post listed right there under number two, Marie. Okay. Thanks, everyone. Drew Bennett, go ahead.

DREW BENNETT: Yeah, just one quick note. I mean, I guess it has been highlighted that the feedback to the Parliament will be more technical in nature, redlines, very direct, focused on language. But then I think, Steve, the higher-level talking points that you are discussing, that will be good for outreach to the Parliament and even to the Commission separately [and would determine] how we proceed with that.

And I think there was even a comment from Mark SV in the chat as to what that … This application versus over-application. I think we'll just want to have some of that with the BC, as well, for additional outreach outside of that direct feedback, and I think those will be two distinct sets of outreach and language. So, just a note on that.

STEVE DELBIANCO: Thank you, Drew, and thanks for the drafting you did on ours last week. This time around, Drew, let's get involved early and make sure that the drafting has given our members the seven days' time they need. Okay? Thank you.

DREW BENNETT: Got it, yeah.

STEVE DELBIANCO: Thank you. All right. Next, let's turn to the related topic of how things are going in the newest ePDP, Expedited PDP, on Phase 2. We call it Phase 2A because we've already done Phase 1 and Phase 2. This is focusing tightly

on legal versus natural persons' disclosure publication and the feasibility of using pseudo-contacts so we can correlate on the backend with multiple registrations belonging to the same registrant.

It has been a very frustrating experience so far. Alex Deacon and I are sort of supporting, and Brian King, Mark and Margie as our delegates to the ePDP. Mark and Margie are with us. So is Alex. Brian King, I think, will join the call soon. So, I'd like to turn it over to Mark and Margie to discuss a little bit about what we just concluded this morning and where things are headed on legal versus natural.

MARGIE MILAM: Sure, I guess I'll go ahead and then, maybe, Mark can jump in. As Steve mentioned, it's not going well. The ePDP group does not want to consider the NIS2 directive, which is really unfortunate. We are trying very hard to bring people to at least recognize that the NIS2 directive is a proposal that would dramatically affect this particular issue, the legal/natural person distinction.

And we worked through various proposals today, one from the GAC, that would basically walk the registrants through a process where they were notified that, if their information relates to a natural person's information, it would be published, and try to work with some of the legal advice that we received from Bird & Bird.

Unfortunately, the contracted parties and NCSG have put their foot down and it doesn't look like they're going to give us any leeway in trying to require a natural/legal person distinction. We're pushing hard. We've got

allies in the GAC, and the ALAC, and the SSAC, but at this point we're seeing no willingness to accommodate any difference in approach.

As part of the charter, our charter was, basically, a requirement to revisit the Phase 1 recommendation that made the natural/legal person distinction optional at the option of the contracted parties, and we're trying to turn that from an option to an actual requirement, that they make the natural/legal distinction and that they publish information that does not include personally identifiable information. And so far, we're getting a tremendous amount of resistance so I'm not very hopeful but we're certainly giving it our best try.

STEVE DELBIANCO: Yeah, what I heard today is they don't feel that they have to so they don't want to bother. Mark, anything to add?

MARK SVANCAREK: Yeah, it's true, it's not going very well and, frankly, it's not going to go very well because they know we can't make them do this until the NIS directive becomes active. I am seeing … Well, before I get to the high points, I would just elaborate on something that Margie said. I

think there are really three types of objection. One of them is a debate about what is reasonable or proportional. We have put forward some arguments, GAC has put forward some arguments, about this.

And what I see is that, really, on the NCSG side, it's mostly an argument about whether anything is ever reasonable or proportional, any risk of a mistake, any chance that a person would misidentify themselves or be

misidentified. They just won't accept that there is any reasonableness, if it could ever happen, ever. And I'm also seeing that within a subset of the contracted parties, as well, specifically Tucows, and I have seen that sort of approach from them in the past, as well.

STEVE DELBIANCO: Yeah, they're not looking at balance and proportion, Mark, right?

MARK SVANCAREK: They are not looking at balance and proportion. Yes. They're taking absolute positions, just simply saying, "Well, if it could ever go wrong once, that's not privacy by default." So, that's one of the problems.

STEVE DELBIANCO: All right. So, those meetings are public. If we can dive into the transcript and find a few statements … And they're not meant to be incriminatory statements. They're revelatory statements that Ben and his team can use in our comment on the NIS2. We can say that, in support of the language changes … But let's explain what's happening in the contracted parties right now. They're not viewing it as a balance test, they're viewing it as an absolute with total risk. So, this helps to justify why we're encouraging the changes we are to the language.

MARK SVANCAREK: That's exactly right. So, on the one hand, it demonstrates the difficulty. I mean, you could position it as they are having difficulty conceiving of a proportionality. They need some help, we really need some guidance.

You could also … Sometimes, it is actually a "gotcha" kind of a situation and, certainly, the tirade that Volker went off on today about how the NIS directive is nothing and worth 0% of his brain cells was pretty damning and into the record and I'm sure that won't make him any friends in the commission.

The other thing I wanted to say is that GAC has really stepped up, in my opinion. GAC is a much more active partner than they have been in the past. They are preparing more, they're fighting more, they're pushing back more. I think that we really have an opportunity to work more closely with GAC than we did in the previous phases and that is the one thing that I find encouraging. Thanks.

STEVE DELBIANCO: Mark, thank you. I would encourage that, if we shared some of what Volker said today, that be done back-channel, but that we adopt your earlier idea for our comment on NIS2. Our comment on NIS2 would be revealing the fact that there is confusion and, therefore, there is no balance and proportionality, right?

MARK SVANCAREK: There is confusion. There is so much confusion. Please help us to resolve this confusion.

STEVE DELBIANCO: Perfect. Any other hands up? Margie, anything to add? Mark and Margie, do you want to be part of Ben's drafting team?

MARGIE MILAM: Sure.

STEVE DELBIANCO: Thank you.

MARK SVANCAREK: I'm a de facto part of it, anyway, so yeah.

STEVE DELBIANCO: You've got Ben in there, that's great.

MARK SVANCAREK: Yes.

STEVE DELBIANCO: All right. Members, I'll move on, now, to channel two, which is council, and turn things over to Marie Pattullo and Mark Datysgeld.

MARIE PATTULLO: Hi, Steve. You can hear me okay?

STEVE DELBIANCO: Perfect.

MARIE PATTULLO:	Good. Thank you. This can be quick. I also realize that we're pushing against time, here. The last council. The most important thing. You know that we, unfortunately, had to vote against the motion concerning the recommendation on thick WHOIS. You know all of the history on that so I won't bore anybody with going into it now.

The next council, we expect there to be two votes: one on the transfer policy, one on SubPro. You have seen that SubPro have, at last, delivered their report. For those of you that want some more ICANN today, there is going to be a webinar on the SubPro report today, this evening—well, my evening—20:00 UTC. Thank you, Steve, for highlighting that.

So, this is one of those things where mark and I are allowed to talk but you guys aren't. So, the usual rules. If anybody has any questions, any comments, bash them through to mark and I and we will make sure to raise them either vocally or in the chat during the webinar. The next council will also include a discussion on the Work Stream 2 recommendations' implementation.

The only other thing that you might want to know— I'm not sure it really matters—is that the council, as you know, always has a liaison to each PDP and nobody came forward to do the ePDP 2A. So, that's going to be Philippe, the chair. Unless Mark has anything to add, I'll hand it back to you, Steve.

MARK DATYSGELD:	Thank you, Marie. Very briefly, last council meeting really highlighted something that I think I have been saying for a bit but now I think it is incredibly clear: we need to work this year on building bridges and on

finding those key allies, finding those key strategies, because clearly there are some councilors that have a very stacked position against the CSG, or lack of alliance with the ISPCP also seems to remain a troubling subject, to be honest.

I think this could be in everybody's mind this year. We do have a very good new liaison to the CSG to maybe work on that. We definitely need to gather some steam and start building those bridges hard, even during the online era where that is so much more complicated. Thank you.

STEVE DELBIANCO: Mark, before I call on Alex, I agree with your outreach idea. It is so appropriate to target the ISPCP, the other third leg of the CSG. There have been times in the past where they were solidly with the IPC and the BC and it has been less so lately. They have not been against us but they hardly ever vote our way right now, so please try to build those bridges and let us know what we can do to help. Alex Deacon, your hand is up.

ALEX DEACON: Yeah. Hi, Steve, and hi, everyone. I just want to quickly give an update on the Rec 7 in the Phase 1 IRT issue. I think we and others had thought that the motion from the GNSO Council would kind of put this issue to bed, but it turns out, on our IRT call yesterday, that ICANN staff actually has decided they're not going to follow through on the motion until they actually get confirmation and hear back from the ICANN Board.

So, I'm not a process expert by any means but I think, in terms of keeping this issue alive for a little bit, ICANN Org has done that. What, ultimately,

the result will be is unclear but we didn't push back on Dennis making that assertion and we'll see what happens. Clearly, the contracted parties were not happy and questioned this but that is where we ended up. So, I just wanted to give everyone an FYI as to that's status. Thank you.

STEVE DELBIANCO: Yeah, that's very curious, Alex, and we'd love to hear more. Did Dennis share any … Was it Dennis Chang who made the call that he wants to wait for the board to instruct him?

MARK DATYSGELD: Yes.

STEVE DELBIANCO: Okay, that's great. It might be appropriate to ask Dennis. You can say that your BC colleagues were all really curious, what is this rationale? And then ask him that any communications that he shares with the CPH, who is probably writing him a lot of notes right now, for purposes of transparency, you'd like to be copied on any of that.

MARK DATYSGELD: All right, I'll give it a shot.

STEVE DELBIANCO: Okay, thank you. We're going to move on if there are no other questions for our councilors. We will move onto channel three, which is the CSG. Waudo, I'll turn it over to you now. Note that I put in a link to the plenary

topics for ICANN70. Mason, feel free to weigh in on exactly what we submitted. Waudo?

WAUDO SIGANGA: Thank you, Steve. Hello, everybody. I apologize, I do not have video because my link is not a strong one, but I think I'll just proceed and give you the audio. I think Steve has given us what we need to look at today highlighted there. There are two issues, the BC proposal for ICANN70 plenary topic sessions and also the CSG meeting with the GNSO-appointed board members.

Maybe I can start with the second one. The dates for that one has been set for the 18th of February at 19:00 UTC. As we said last time, the invites have been sent out so you will be invited to be on that meeting and participate, where we will be with the two GNSO-appointed board members, Becky Burr and Matthew Shears, and we have also invited two others who are GNSO-affiliated board members. That is Avri Doria and Sarah Deutsch.

The topics are still in preparation but I have seen that we have a substantive, independent agenda item to discuss also in a little bit, after I finish my quick presentation here. So, I'll leave that out. I'll just jump straight ahead to the ICANN70 planning, which is the highlighted item. There are two main meetings that we are looking at.

The first one is the CSG open meeting. This is planned for Tuesday, March the 23rd, 17:30 hours to 19:00, just after the BC open meeting. We have organized a presentation in Universal Acceptance. This was in pursuit of

trying to make the open meeting … To pep it up because now it is not a physical meeting.

So, we need to pep it up so that we can get good attendance and good participation. So, we have a presentation on Universal Acceptance as part of that pursuit. I hope most of you are familiar with the Universal Acceptance but we think it's an interesting topic that will attract good participation.

There is also a discussion within the CSG to also include another topic, a discussion on the distinction between Internet governance and technical Internet governance. So, we are still to agree on that one. When we agree, I'll let you know.

Then, the next meeting that we are planning for in ICANN70 is an open meeting with the full board. The date is actually currently being proposed to March the 15th, 18:00 hours to 19:00 hours, or Tuesday, March 16th. So, we have not settled on the final date. There are two dates that are being proposed. The Tuesday, March 16th meeting is proposed for 19:00 UTC. So, once we have settled on our date, I'll let you know.

The current proposed topics for the open meeting with the full board are in the grid that Steve sent out in his notification. There is a grid there that sets out the topics, so maybe you can have a look at that later on.

Then, within the CSG meeting, if I can just go back to that one, there will be … Sorry. Within this board meeting, the full board meeting, there will be a slot for the CSG for 30 minutes, then the individual constituencies— that's the BC, the IPC, and the ISPCP—will each have 20 minutes to make

their presentations to the board. So, there needs to be some preparation by the BC, 20-minute preparation, something to give to the board.

The other item is … You can just look here. Yes. There is a plenary session that the BC has suggested but I think, also, there is a specific independent agenda item for that coming, so I'll leave that out, also. So, I think I'll stop there I have left out. That is the proposal for the plenary session and also the one on what we are going to discuss, the CSG meeting with the GNSO-appointed board members. Back to you, Steve.

STEVE DELBIANCO: Thanks, Waudo. Alex, before I call on you, Waudo, as our CSG liaison, I think the BC would love it is your priority became building bridges to the ISPCPs, the third element in the CSG. That starts at the level of working with their leadership, which you are, and trying to come to consensus on topics to discuss when there are common topics, but also giving them their one-third of the time to discuss whatever they want.

But our discussion with the board members—and we'll start with the February 18th one—at some point in the next several months we're going to want to start to build expectations that the board may need to react to NIS2, once it is enacted. They may need to react as quickly and forcefully as they did back in 2018 when the board adopted a Temp Spec.

We want to start to manage expectations about that. It's possible that members of the board feel bad about the Temp Spec, since they caught hell for it from many people, including us, and would want to say, "Oh, no, no, it's the community that has to decide." If it's the community that has to decide how to NIS2, we already know how that's going to go.

You just heard from Mark, and Margie, and Alex. So, it's better for us to start to adjust expectations that the board may need to be ready and be very vigilant to what's happening in the EC/European Parliament now. It's more the Parliament than the Commission.

So, they'll be an audience for our comments, then, as much as the Parliament and the Council of Ministers. We're going to want the board to start to understand that a clarification of the law that prompted the first Temp Spec should, of course—of course—result in a modification to the Temp Spec. Okay. Alex, your hand is up or down? Okay, it's down now. Waudo, is there anything else you want to add, or Mason, on the plenary topics?

WAUDO SIGANGA: Sorry, something extra that I wanted to mention that we are doing within the CSG is the Work Stream 2 final report discussions. We are about to start that within the CSG. I think I just sent a message to the BC requesting any member that may have been involved in the preparation of the Work Stream 2 report to get in touch with me.

We could maybe use you or could use you as a resource person within the CSG to get more insight into this report and what the CSG should be doing with regard to implementing some of the resolutions that came out of the report, and also what the BC should be doing. So, I'm still waiting to see if there is somebody. I'm sure there could be somebody within the BC. Maybe, Steve, you have had a little bit of experience with these things. You might know of members that will help us.

STEVE DELBIANCO: That's right, Waudo. I chaired one of the Work Stream 2 and led the BC's work on IANA transition. So, count me in to help you with all of Work Stream 2 [matters]. We had other BC members that were also involved but I'm happy to take the lead on that. Mason, your hand is up. Please, go ahead.

MASON COLE: Thanks, Steve. Very quickly, I know we're up on time. So, on the idea of a plenary topic for ICANN70, I just wanted to alert the BC that, on behalf of the CSG, we made a formal request for a plenary topic on regulatory updates, both in the U.S. and the EU.

You may know that, yesterday, there was a webinar that ICANN conducted on that very topic. It was led by Elena Plexida and David Conrad. To be candid, it was not a very satisfying meeting. It was very over-the-top in terms of just skimming the information and not a discussion about how ICANN was going to react to it or what it might mean for the ePDP work.

So, there has been noise made about a potential follow-up meeting before ICANN70 with European legislators on the line. I don't know how real that is yet but apparently there is discussion about that. At the same time, we have made a formal request for a plenary topic on that subject for ICANN70 and made a request that we hear directly from governmental officials rather than ICANN itself so that we can hear the information straight from the source. We have not yet heard back on approval of that but I remain hopeful, so we'll see.

STEVE DELBIANCO: Excellent. Any other questions for Waudo? All right. Not seeing any, I'm going to turn it back over to you, Mason, thank you.

MASON COLE: Thank you very much, Steve. We're now 13 minutes before the hour, so let's be efficient. We have covered, I believe, the council update from Marie and Mark and the CSG report from Waudo, unless any of you three have anything else to add? Okay. I don't see any hands. All right. Let's go to item number six, then, Operations and Finance Report. Lawrence, back over to you, sir.

LAWRENCE OLAWALE-ROBERTS: Thank you, Mason. So, quickly, in the interest of time, there is a community announcement. I see that Tola has also shared a link in the chatroom from the Nomination Committee for the available open positions. The application period has started now and will be open until the 18th of March.

There are vacancies in the area of the ICANN Board, three members. The NomCom is seeking to fill the seats of three members of the ICANN Board, three members of the At-Large, in the Asia, Africa, and Latin-American regions, and two members for the GNSO.

This should be of particular interest to us in the BC. These are going to be voting members and non-voting members but each will be domiciled in the Contracted and Non-Contracted Party House. We might want to encourage people that we know who might be competent or work

toward aligning strongly with whoever is eventually selected, especially for the Non-Contracted Party House.

There is also a vacancy to be filled for the ccNSO. We don't have any new members. Our dues we are still seeking from members who have not yet paid, to update, but we just have very few members left. We will be submitting the additional budget request by later today when work is concluded on it.

Of utmost importance, in our last meeting we received an update from [Interisle] Consulting on the study that was done. The study is now complete and it is being published and shared on the BC list. They acknowledge the BC. If you recall, we pledged $20,000, for which we have paid $10,000 before, and we have now commenced the process of transferring the balance of $10,000 to them.

We have the open call for the BC newsletter. We really need you to volunteer your contents. We will be happy to receive this before the 1st of February. Thank you. If there are any questions, I will be willing to take them. Otherwise, I yield the floor back to the chair.

MASON COLE: Thank you, Lawrence. Any questions for Lawrence? All right. Very good, Lawrence, thank you for that update. All right. We're now onto item number seven, which I believe Waudo covered briefly in his report. We do have a CSG board meeting coming up on February 18th.

Waudo, I think if we are to invite Becky, Sarah Deutsch, and Avri Doria, we need to issue a formal invitation for them. So, I think that's a

transparency mechanism at the board level. So, if we are going to invite them, we need to work with staff to issue a formal invitation. So, just a note for you to follow up on that, if you would.

WAUDO SIGANGA: Yeah, I'll do that, Mason. I think it was already done. The letter that went out to Becky and the other board member already mentioned these two, Avri Doria and Sarah Deutsch. So, I think there is a letter that has already gone out. The other thing I wanted to point out is the title. This, actually, will not be a CSG board meeting. It's CSG and the GNSO-appointed board members only, not the full board.

MASON COLE: You're correct. So, let's synchronize with staff to make sure that we have whatever in place that we need to have so that they can be included in the meeting.

WAUDO SIGANGA: Okay, I'll do that.

MASON COLE: Thank you, Waudo. All right. Any other issues on item number seven?

WAUDO SIGANGA: Yeah. Maybe just to add, also, already there are some topics that are being generated. They are also in that grid that Steve gave us in his notification. [There are some] topics. These topics are open, also, for

members of the BC, if you'd like a particular topic to be discussed in that meeting. I think one of the main highlights, or one of the main themes, of that meeting would be accountability of these GNSO-appointed board members to the community that has sent them there. So, it's open. Thank you.

MASON COLE: Excellent point, Waudo. So, if members are interested in contributing to the potential list of topics then they can follow up with you, correct?

WAUDO SIGANGA: Yes, yes. Thank you.

MASON COLE: Okay. Thank you, Waudo. All right. Any other issues on item number seven? All right, I see no hands. Item number eight, "Open floor for BC members' issues." You'll recall this is a new agenda item suggested by Mark Datysgeld for the raising of any other issues that are not included on the agenda, maybe an issue that might be coming up for ICANN70 or something else. Any hands I might see? All right. Okay. Item number nine, all other business. Is there any other business? I believe, Tola, you have something that you would like to raise?

ADETOLA SOGBESAN: Yes, chair. I'll go ahead?

MASON COLE: Please, go ahead.

ADETOLA SOGBESAN: All right. Evening, afternoon, morning, everywhere members are. I would just like to bring to the attention of BC members that the NomCom [inaudible] published application to fill the vacant positions in various [inaudible]. There are three members for the ICANN Board, we have vacancy, three regional representatives for ALAC, which is not a [concern]. But in case we have interested members for the board, or for GNSO Council, as well, one representative for Contracted Party House and one for Noncontracted Party House. So, members interested, please visit, and perhaps if you're not interested but have colleauges in our organization that may be qualified can as well [inaudible]. That's just what I want to draw attention to.

MASON COLE: Okay. Thank you, Tola. It was a bit hard to hear you, there. Can we refer members back to you with questions on the subject that you just raised, if need be?

ADETOLA SOGBESAN: Okay. Yeah, that would be okay.

MASON COLE: All right. Thank you very much. All right, ladies and gentleman. We are five minutes before the hour. Any other business before the BC for today? All right. I see no hands and it looks like the chat is clear so I will yield five

minutes back to your day. Thank you all very much for participating. The BC is adjourned and we'll talk to you again in two weeks. So long, everybody.

[ADETOLA SOGBESAN:]   Thank you. Bye, everyone.

BRENDA BREWER: Thank you, all.

[END OF TRANSCRIPTION]