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BRENDA BREWER: Good day, everyone. This is Brenda speaking. Welcome to the Business Constituency Members Call on the 30<sup>th</sup> of September 2020 at 15:00 UTC. This meeting is recorded. Kindly state your name when speaking for the transcript and keep your phones and microphones on mute when not speaking. Attendance will be recorded via Zoom. I'd like to turn the call over to Claudia Selli. Thank you.

CLAUDIA SELLI: Thank you very much, Brenda, and thank you very much, everybody, for being in the call today. You have the agenda in front of you, so we're going to, as usual, start with the policy discussion to continue with the council update, the CSG report, and then operation and finance. So, Steve, the floor is yours for the policy update.

STEVE DELBIANCO: Thank you, Claudia, and hello, everyone. So, this won't be too long of a discussion of the policy calendar and we'll be able to turn things over to Scott, Marie, and then Barbara for some of the planning that we need to do for ICANN 69.

We haven't done any new comments in the last two weeks, but the current open public comment is one that is due and closing today and it's a comment on the subsequent procedures for expanding gTLDs. And the abbreviation everybody uses for that is SubPro, like subsequent procedures. It's a ridiculous name for what this is. It's all the policy

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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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surrounding how we're going to open up for new gTLDs in the future. It might be multiple rounds or a continuously open round.

There's a lot of pressure in the ICANN community from maybe corporations, many of which we might have on the BC without want to get a dot-brand.

There's also people in the domain name industry that want to open up brand-new top-level domains that they can treat as real estate and monetize in that regard. So there's a lot of pressure to do that.

On the other side are pressure from groups like ALAC, BC, and IPC to ensure that ICANN has appropriate protections in the process—protections for consumers, protections for brands on second-level registrations, that the review tries to dive into whether or not there's appropriate protections against DNS abuse that occurs in new gTLDs. I mean, occurs in all gTLDs, but new gTLDs is a place where there is leverage.

And I think that therein lies the key element. There's enough leverage here that we're able to add restrictions and protections on the new gTLD program that we couldn't get by asking ICANN to renegotiate with existing gTLDs and registrars and registries.

To give you an example, in the 2012 round, it was the BC that led the push to say that anybody that wanted to sell—any registrar wanting to sell new gTLDs—had to sign up to the 2013 registrar agreement. I mean, that was a radical proposition. And Fadi Chehade was relatively new at ICANN at the time and he said, "Yeah, great idea. Let's do that."

We also pushed for and got things like public interest commitments. We pushed for concerns over singular and plural strings and closed generics. So there's a whole host of things where leverage is present, because the people that desperately want new gTLDs are willing to accept restrictions and protections so that they can get those into the place.

So, currently, we have a comment. It's the attached number two to the policy calendar I sent last night, but Mason has subsequently made some additions to it for edits that Alex Deacon offered and Alex Deacon's attachment to, and attachment one was the document itself. Big thanks to Mason Cole, Tim Smith, and Statton for doing the original document. Chris Wilson, Andy Abrams, Alex Deacon and I all made additions that the original authors accepted. It is an extremely challenging document to go through because it's in the form of a Google questionnaire where you indicate yes, no, agree, support, and put a comment in. In the past, it's taken me hours to cut and paste from these documents into the online form, because the online form at ICANN is prone to failure. You're right in the middle of posting, you have to save your work frequently to keep from losing it all.

So, Mason, Statton, and Tim, since I've done that several times for the BC, I'm perfectly willing to put the time in to post that this morning to make sure it's all in, and then I'll also save ... Yeah, the format is disgusting. I'll also save the PDF that we'll post to the Business Constituency website. That way everybody can see what we have.

So, Mason, Tim, Statton, I'm willing to put that in unless one of you insists on doing it and I wanted to entertain a discussion. Mason, why

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don't you summarize the changes that you were able to incorporate from Alex Deacon from his attachment 2?

MASON COLE: Thanks, Steve. Good morning. Can you hear me?

STEVE DELBIANCO: We do.

MASON COLE: So, I think Alex is on the call. He may be better positioned to talk about the changes that he wanted to entertain, and believe me, I would be more than happy for you to do the [entering] on this because it's a serious challenge.

STEVE DELBIANCO: Okay, I'll do that.

MASON COLE: Yeah. I just wanted to say thanks to Tim and Statton for their input. This is a very, very long comment. It was a very long report, hundreds of pages long, and there were more than 200 entries to make in the online form.

Steve, actually, you delivered a pretty good summary of where we came out on the comment. We reaffirmed many of the comments that we put in before on SubPro and on matters relating to subsequent rounds.

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We took an opportunity or took advantage of the opportunity at the end of the document to talk about some things that were not addressed in SubPro, things like strengthening the registry and registrar contracts, enforcement of contract obligations, voluntary trusted notifier programs, things of that nature.

So, again, it was a really long comment. What Tim, and Statton, and I did was divide up the document into thirds and we all contributed a third of the work to the outcome. I appreciate you putting it on the BC's website because that will be a good way for the BC to have a look at where everything [inaudible] out. So, I just wanted to say thanks to everybody for their contributions.

STEVE DELBIANCO:

So, Mason, I want to be sure I have the very latest because I'll go through and clean up some of the headings and then save it as a PDF that we display on Business Constituency website. So, after the call is over, make sure that I have the very latest one. The attachment you sent me last night, I was unable to open.

MASON COLE:

All right. I will redo that for you.

STEVE DELBIANCO:

Alex, Chris Wilson, Andy Abrams, Tim, anyone else want to discuss the comments that drafters accepted? I'll look for hands. I have Margie and then Alex Deacon. Margie?

MARGIE MILAM: Hi, everyone. It's Margie. And I apologize because that document is really hard to read. Could you address whether we actually made any specific requests about enhancing DNS abuse mitigation obligations? Because I think I said in the email yesterday, it would be really great if we could make a strong statement about that in the actual submission.

STEVE DELBIANCO: And I wrote Mason about it last night. Mason, why don't you describe what you were able to add?

MASON COLE: We did. Margie, we did add your contribution where we put in a provision where we asked ICANN to require DNS abuse provisions in the registry contracts. That's in contravention of the SubPro Working Group's recommendations. But as Steve mentioned, some leverage is present here so we want to take advantage of that opportunity as much as we can. So, yes, your contribution is in there.

STEVE DELBIANCO: Okay. Alex?

ALEX DEACON: Hi. Good morning, everyone. It's Alex. I think the DNS abuse change is an important one. When I went through this being a total SubPro

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newbie, it's a tad overwhelming as you can imagine trying to sort through that doc.

But my comments were mostly kind of ... My mindset was how do we take advantage of this potential leverage that we have and make sure we're at least positioning ourselves appropriately to do that? So I won't go through all the comments that I made, but I think if you've changed the DNS abuse issue as I requested, I think that's a good start.

So, I think we should be in a better position in terms of have those discussions unfold, and if we want to make that a dependency on the starting of the next round, I think making the changes as you described would be the best way to do that. Thanks.

STEVE DELBIANCO: Thanks, Alex. Mark Datysgeld?

MARK DATYSGELD: Thank you, Steve. I have a question for the drafters or people involved in the SubPro procedure. What is the current feeling? What is the [inaudible] around the question of gTLDs that have already been delegated in the 2012 process but have either gone astray or we don't feel that they are being run properly? What is the current position on those in particular? Can they be [inaudible] or are those set in stone? Any impressions on that?

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STEVE DELBIANCO: Mark, if a gTLD was delegated in the 2012 round, it can only be policed on the contract they signed when they delegated. So, they might have, for instance, public interest commitments, they might have compliance breaches that ICANN compliance could bring against them but they signed a contract and the only way to regulate what they do with that TLD is that contract. And I don't believe that the next round of subsequent procedures really would have any bearing on the contracts that were signed in the 2012 round.

Statton, Tim, Mason, what are your thoughts on that?

MASON COLE: I agree with you, Steve. No, it's not specifically called out by SubPro. Yeah. The 2012 round, the contracts that were issued in 2012 for gTLDs that were part of that round are policed based on the provisions of those contracts. So yes, I think your description is accurate.

STEVE DELBIANCO: Mark, any pressure that can be brought on things that didn't go well are lessons learned. And remember the Competition, Choice, and Consumer Trust Review? It was one of the four specific reviews that we brought in from the AOC. That review had many, many recommendations for how the next round should reflect the lesson learned on trustworthiness, financial stability of gTLD applicants. And some of those ideas made it in, but definitely not all of them.



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If you remember, the board parked about 20 of the recommendations from the CCT Review Team and the BC was among those who raised concerns about that.

And don't forget, the SubPro group, which is cochaired by an individual that wants to be part of the next round, that group said that DNS abuse—heck, so much of it occurs in legacy TLDs like COM. Maybe it occurs in gTLDs from the 2012 round. So, what sense did it make, they claimed, to do DNS abuse measures associated with new gTLDs? We should have a more systemic, more holistic approach, that covered all gTLDs.

So, that is an arguably defensible position, but it was very convenient for SubPro to do that because it takes the pressure off of SubPro to address DNS abuse itself. And that's where this questionnaire was until Alex Deacon, Margie, and a few others piped in to say, well, let's take the leverage that we have because we're not getting very far on DNS abuse for all gTLDs. We may as well use the leverage that we have and get it here. And I understand that.

Jimson, your hand is up. Please, go ahead.

JIMSON OLUFUYE:

Yeah. Thank you, Steve. I would like to really thank all our members that worked on this comment. I apologize I could not fully chime in because of something [inaudible] in my hands. But I did manage to read some of the comments, [inaudible] like that of Alex when it got to dependencies.

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We really tried to strike that balance, the initial comment, and just want to be sure that we are [inaudible], ensuring that those tools are [inaudible] to be put in place remain in place before the new round is allowed to begin. So just to be sure that that is what we are [inaudible] because it is very necessary that all those flaws or shortcomings that we've observed, we need to be fully addressed before the next round begins. Not that some things will not be done, but it's very important that before it actually begins that those dependencies were really addressed. Thank you.

STEVE DELBIANCO:

Thank you, Jimson. Any other comments? Mark Datysgeld, it is Jeff Neuman. Thanks. All right. Thanks again to the drafters on this comment. As soon as Mason sends me the final version, I will be putting them in this afternoon. I'll put a PDF on the Business Constituency website.

Let me move down into the topic on how did the gTLD program and ICANN in general deal with GDPR? On the 24<sup>th</sup> of September last week, GNSO Council held a meeting where they voted on the recommendations for EPDP Phase 2. I'm going to let Marie and Scott discover that in the discussion here under channel 2 for representatives on council. So, Marie?

MARIE PATTULLO:

Thanks, Steve. Am I coming through okay?

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STEVE DELBIANCO: Perfect.

MARIE PATTULLO: Well, it was a fun meeting. This is going to be quick. There are some other aspects of council to talk about, but you know what happened in the vote, everyone, because we did what you asked us to do.

It was divided into three separate votes. One we voted against, so that was the SSAD part of the recommendations. And the rest we voted for because those bits we agreed with. There were nice, long statements from just about everybody. I sent you some of them already. I have all of the rest if anybody else wants them. Steve, I don't know what else you want me to say about the vote itself.

STEVE DELBIANCO: Any questions for Marie on how that went? I mean, you do realize, everyone, that was only the BC and the IPC that voted no? And we have a total of four votes in the Non-Contract Party House. Everyone else voted yes, including the ISPs and the voting reps from the Nominating Committee. And that means that these recommendations were approved with super majority and they have a higher degree of deference that's expected once the ICANN Board receives the recommendations of this policy.

Now, one thing to consider is something that the IPC brought up is that the working group that did these recommendations did not have a true consensus for many of the recommendations in the first batch of votes, the 1-18. It was likely to be the ALAC is going to raise that as a concern

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and advice it gives to the board that something is wrong here. The council itself may have had a supermajority but the recommendations from the working group itself were not consensus recommendations. I would just summarize what council feels about that, Marie.

MARIE PATTULLO:

How would I summarize? Sorry, I shouldn't laugh, Steve. Well, on the side of the description you just gave, you clearly have the IPC in that very long statement. You also had a comment made in the meeting itself by Cheryl Langdon-Orr on behalf of ALAC. We found it interesting that Rafik, he was the current vice chair of council, basically told Cheryl that, "Oh, that is far too late to make that statement. It should have been made during the EPDP." And it was pointed out by Cheryl in the chat that, yes, it was made during the EPDP.

To be blunt, Steve, I don't think that is going to be particularly something on which council will really focus. There are other aspects, as you know, we'll comment or talk about. But as far as that is concerned, it's a done deal and it's gone up to council and there's lots of back-slapping and cheering.

STEVE DELBIANCO:

Marie, what I'm thinking is that when the ALAC complains about the no consensus and challenges the GNSO for violating its own procedures, I'm wondering who on council will stand up and defend what happened. Is that going to be a staff issue? Will it be the leadership? And if it's the leadership, Keith Drazek will already be off by the time that happens and the new council chair will have to handle it.

MARIE PATTULLO:

Interesting. Well, the incoming chair is the ISPs, so Philippe Fouquart [inaudible]. The incoming vice chair for the NCSG is Tatiana Tropina and we all know that [Tatiana] has very specific views on privacy. And Pam Little of course will stay there for the CPH. How Philippe and [Tatiana] and Pam will deal with that, I could not answer on their behalf. I would presume that the IPC will be very process focused as Alex has already mentioned in chat. And we all know that Heather, the IPC president, is superb on process. I don't think anybody knows the GNSO operating procedures better than Heather.

So, my assumption—but Alex can tell me differently—is that the IPC would be instructed to stand up and support anything that ALAC did, and obviously the BC, it's for you to tell me and Mark what you want us to do.

STEVE DELBIANCO:

We also concluded at many points that the process did not really follow GNSO guidelines. We did not make that the focus of your minority statement. We were focusing on trying to actually affect the outcome. But the process point is one where the BC can support the IPC and the ALAC. I just wonder whether council will have an opportunity to weigh in if the Board comes back and says, "What happened to your process?"

But I know for sure that you will have a consultation with the board on the cost-benefit analysis of doing an SSAD, whether we should even do one at all.

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Do you know whether you and Scott would be participating or Mark would be participating in that consultation, Marie?

MARIE PATTULLO: I don't know anything about that yet, Steve. I'll have to find out. Scott, I don't know if you can comment on that.

STEVE DELBIANCO: Right. I have it highlighted on the screen, everyone, because it wasn't a separate vote. It was an assumption that if the first vote was positive, that before council just dumps the recommendations on the board, they want to have a consultation with the board to talk about, "Wow, what's this going to cost? Are we sure we want to do this?"

Alex Deacon is among those who believed that if you're going to do a ticketing system just to keep track of disclosure requests and whether they ever get fulfilled, you don't need to spend \$10 million on such a system.

Alex, why don't you post in the chat a link to the work you've done on using something like Salesforce or off the shelf? And Alex is saying okay, that he will. Alex, do you want to add anything on that while we're on the topic of cost of SSAD?

ALEX DEACON: Yeah. Hi. Just real quick. This consultation with the board includes a cost-benefit analysis but I think it will be ... The discussion with the board will be much broader and will include many of the issues that I

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think we—IPC, BC, and the ACS—outlined in their minority statement. So it's not just about a cost-benefit analysis, although I think, as you stated, I think that's an important piece of the decision process moving forward.

As Steve mentioned, I've been thinking about trying to understand how one could layer a customer service portal on top of what exists today, whether it's the Phase 1 policy or even the temp spec policy.

In the conversations I've been having behind the scenes, I've been saying, hey, these services exist off the shelf today. It would be quite easy to do, and in order to prove to myself that that was actually a true statement and one that I could back up with facts, I actually spent two hours or so with the free version of Zen Desk which is one of these services. And it took, as I mentioned, two hours to get pretty much the whole system up and running, both the front end and the backend processing of these requests—a form that users can use to submit requests that comply with the policy that we set in terms of what the content should be.

So, I think it would actually be quite perhaps not trivial, but pretty close to trivial exercise, to have a system like this set up. And I'm just looking for a slide that I put together. Give me a second. I'll put that in the chat so you can take a look. Once you take a look at that, you'll see that a ticketing system end to end is very easy to realize and I think it's an important part of how we move forward. If we assume that implementation of an SSAD in whatever form it may take will take four or five years, I think it's important we have some type of stopgap measure between now and then and a system, as I described, would go

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a long way in doing that. So, give me a second. I'll put that link in there. I'm happy to take any questions you may have.

STEVE DELBIANCO:

Thank you, Alex. We have a fine line to walk here because we want to suggest that if it's merely a ticketing system, there are more cost-effective ways to do that and we should do that. But at the same time, if the SSAD actually automated the disclosure for legitimate requests from businesses trying to protect our consumers, well then it probably is worth \$9 or \$10 million because then it's an automated disclosure system where ICANN takes the liability.

So we don't want to imply that SSAD is useless. It's not worth \$10 million if it doesn't do automated disclosures. And it turns out that the difference between automated disclosures in a [inaudible] system is more about the legal framework underlying GDPR and WHOIS, and we need to work on that completely apart from this.

And while we're working on that, it would be great to get a quick, cheap ticketing system in. And if we're able to get the legal clarity we need, well then bring that SSAD back, dust it off, make it automated, make it mandatory and spend the \$10 million.

I'm going to bring up Alex's document on the screen, but I'm happy to have anybody chime in on this notion of the tradeoff.

Alex, your screen should be up. Do you see it?



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ALEX DEACON: I do.

STEVE DELBIANCO: Okay. Any questions for Alex on this? This is his schematic of a ticketing system to keep track of disclosure requests. Thanks for doing this.

ALEX DEACON: Sure. And as I mentioned, I used Zen Desk because it was free and available but there are many other services that could be leveraged to do this. I know, as Mark mentioned in the chat, there's Microsoft Dynamics, but I understand that ICANN actually uses Salesforce, so they have similar service that could be leveraged, I assume, to do this.

As you can see, real quick, that the system has the ability to credential new requestors. That's the yellow folks there. That was quite easy to implement. Once you are credentialized and accredited, then there's a form that I was able to configure that complies with the contents of requests required by the policy.

When this is submitted, the user gets a ticket back and basically says, "Thanks for submitting. We're processing it." Then someone from ICANN in the middle in that little blue table there can go ahead and process those requests. Of course, the requests won't make it through and they won't be able to be submitted unless they're complete.

And then the manager of the system actually then distributes each request to what are called agents. And in the case of a system like this, those agents are the registries and registrars, whoever is the registry

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and registrar for the domain name in question. And then those agents essentially log into the backend of the system and process their queue.

At each time, the request as you know goes through and gets accepted and then it's in processing and then there could be a back and forth between the agent and the requestor, if additional information is needed. This is all supported by the system and then, at the end, the registry or registrar either says, "Yes, you've been approved. Here are the fields you requested," or, "No, sorry, you've been denied and here are the reasons why."

Then, most importantly, again in the middle, there's this reporting and statistics in the dashboard and periodic reports that, again, just comes part and parcel with a system like this.

STEVE DELBIANCO:

Alex, great work on this. So, BC members should not be surprised if we end up discussing this at ICANN 69, and it's not supposed to be sort of instead of an SSAD—the SSAD we want. It's supposed to be something that's a practical and affordable way to immediately keep track of what's happening to disclosure requests, while we work on legal clarity, so that we can actually have a centralized automated disclosure system that would be worth several million dollars. Is that about right, Alex?

ALEX DEACON:

That's right, something to use in the interim. It's definitely not a replacement. But it could be the fact that—and I don't know for sure, more digging is required and research is required—that you could

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actually use a system such as this, or Salesforce or Microsoft's Dynamics, to actually do a lot of the automation and centralization that we envision. But either way, agree 100%.

STEVE DELBIANCO: Trying to be helpful and practical. Having voted no on SSAD, we want to be helpful and practical on the aspect of tracking and ticketing. Any questions for Alex?

All right. Thanks, again, Alex. Appreciate that. Marie, back to you to talk about next steps for the remaining items at council.

CHRIS WILSON: Steve, real fast. Sorry.

STEVE DELBIANCO: It's all right. Go ahead, Chris.

CHRIS WILSON: My question about Alex was has this been socialized with the IPC or anyone else?

ALEX DEACON: Just a few members. As Mark mentioned, I used him as a guinea pig to submit some requests and I've mentioned it to others, but I think we're at the point now where I could socialize it more. Unfortunately, my free Zen Desk account expired. I had 14 days to do this. So I need to get that

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re-setup so people could actually use it and play with it and understand better how it works. But yeah, I think it's time to now socialize this more broadly and use the slide in our discussions moving forward.

STEVE DELBIANCO: Okay. Marie, on next steps.

MARIE PATTULLO: Sure, and there's some other parts of council as well. But on next steps, you have already seen and you have the document that Steve kindly attached to the policy calendar. Two different tracks there. One is legal and natural and one is anonymized mails.

What's going to happen there is the EPDP team is going to be asked to reconvene, either the same people or if they want to swap out because they need a rest. And then to take that forward, there is a rough timeline as you will see in the document that's there as an annex to the policy calendar.

The second track is accuracy. Now, this is different because the idea with that is there should be a separate eventually PDP. Yes, it will take forever, but the first thing that will happen there is the scoping team to figure out what actually needs to be addressed with this registrant data accuracy PDP project, whatever you want to call it.

Massive thanks to Alex who has already come forward and said he'll be involved. I already know that Brian King from the IPC wants to be involved as well, which again is great. We don't yet have either of those officially kicked off. They should be on the consensus agenda for the

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next council—so the council in October. But we really need to get in front of this. We need to be ready with the arguments under legal and natural and anonymized email addresses. I know [inaudible] of that. And we do need to start getting our ducks in a row on accuracy because I keep thumping this table that it cannot be put back and back and back. And I'm sorry to say, but I think if we don't keep pushing, it will get back and back and back.

So, that's on the next steps side. Does anyone have anything there before I go on with other council stuff? No?

Okay. Obviously, you've all got my email address, so please do send anything that you want to me, and as soon as that happens, as soon as these new [inaudible], I will of course let you know.

This Friday—so, a couple of days from now—I've got a call with a new small team which is about thick WHOIS. There was quite a big discussion at council with the liaison between the council and the IRT noting what he calls the current impasse which basically comes down to a disagreement as to whether or not there already is a legal basis, and if not, what we should do about it.

A massive thanks to Alex again for basically feeding me words via the Skype channel, so that I could read the mail [inaudible] council. I don't yet have an agenda for that. I know it's going to happen. You've all seen Sebastien's report to council. Alex, as soon as I get anything, you and others, I will be sending it forward to you because I really do need your help.

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I'm also going to need your help on something else because one of the two items that was agreed under the consent agenda ... So, that's the bit at the beginning of council where we just say yes to everything—well, no, but we normally say yes—is that at last the new IGO/INGO track is going to start.

So bringing together the work on IGO/INGO's curative rights, rights protection mechanisms into one new channel, very shortly because we agreed on this last week, they're going to be launching the call for members and observers and I know we've got a whole bunch of people in the BC that interests. Looking at you, Ms. Kawagushi, among others—and also Claudia from [inaudible]. But this will be important and we've made a lot of noise about this in the past.

And as we've said, we've got a new incoming chair and vice chair, all apart from the official yes. Back to you, Steve.

STEVE DELBIANCO:

Thank you, Marie. Any questions for councilors? We'll go right to Barbara Wanner for channel 3, the discussion of CSG. Barbara?

BARBARA WANNER:

Thank you, Steve. I'll just start at the top here and walk through it. As you may recall, there was a discussion with Goran and several board members on the 31<sup>st</sup> of August. They had no interest in discussing the EPDP 2, even though a lot of members on this call devoted some time to developing talking points.

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However, there was considerable focus on DNS abuse and voluntary frameworks and developing a more effective approach to compliance.

So, to keep ICANN's feet to the fire on this issue, it was decided that some CSG members would form an informal group to take forward the improvements and address compliance issues. It will operate separate and informally—very informally, separate and apart from the CSG—and will reach out to ICANN Org after ICANN 69 to follow-up on this.

There is a concern that if we raise this during ICANN 69 that management—leadership—may feel that we already had our shot at the issue and that there would be no ... Less inclined to follow-up.

So, following ICANN 69, Dean Marks from the IPC and Mason and Alex probably will reach out to Jamie informally via email and see if they can begin that dialogue with him.

And I leave it to Mason if he wants to jump in. I don't know if you've had any further discussions with Dean about this or not yet.

MASON COLE: Hi, Barbara. No, not [inaudible] yet. Sorry.

BARBARA WANNER: Okay. All right. No problem. Okay. Let's move to the ICANN 69 schedule. Steve mentions it's important to register in order to get all of the proper Zoom links and so forth. If I could go to the planning document, Steve, that would be very helpful.

STEVE DELBIANCO: Opening it and sharing it now.

BARBARA WANNER: Okay, great. All right. So, we have a very jampacked closed meeting on the 8<sup>th</sup> of October and I hope some of these issues we can zip through rather quickly. For example, Tatiana's nomination for the vice chair position, any other matters of importance that the GNSO Council will vote on.

But the two issues that I want to bring to your attention in particular has to do with our session with the board. And it was decided that we would just focus on two issues to just allow a very fulsome discussion and not make anybody feel particularly rushed. It was felt that perhaps the one issue on which the three constituencies have common ground is enhancing the effectiveness of the ICANN multi-stakeholder model.

I know, Mark, he's always so swamped and we always prevail upon him, but if he could give me two bullet points of issues that you would like to raise with the board in that context, things that you would like to see that were reflected in our comments, I would be eternally grateful.

I don't know if we want to raise the structural problem in the context of this issue. I defer to you on that, Steve.

STEVE DELBIANCO: We'll get plenty of support from the ISPs and the IPC if we did bring it up, so it's probably worth as an element of solidarity to bring that up.



BARBARA WANNER:

Okay, great. Then during this closed meeting, we can just determine who will be our specific spokesperson to offer those comments.

The reason for the two bullet points or however many bullet points Mark wants to give me is that we have to provide our “questions” to the Board by Monday. So I would just like to ... We don’t have to give them detailed questions, but I’d just like to give them maybe a bullet point or two that would give them some guidance as to how we will likely respond to their request for comments on that topic.

And the second item that we’ll focus on, on our session with the board, that the ISPCP wanted very much to participate in with us concerns the EPDP 2. I prevail upon the experts on the call to inform me as to whether the board will have considered the council’s action yet at that point.

STEVE DELBIANCO:

I [inaudible]. I think they’re still going to ... They’re going to discuss the cost element first.

BARABARA WANNER:

Okay.

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STEVE DELBIANCO: I might recommend, Barbara, let the IPC go after the process problems of lack of consensus, and then the BC, led by Alex, can drill deeply into the idea of practical ticketing measures.

BARBARA WANNER: Excellent. I was primarily, because they didn't want to hear anything we had to say about EPDP 2, despite everybody's very conscientious development of those talking points, I wanted us to have that opportunity also to talk about going forward, ensuring that the framework evolves. So, I defer to you guys as to how you want to [broach] that. Okay, I'm looking at the chat here.

Again, in the closed meeting, why don't we stipulate that Alex can provide something pragmatic and that some of our other experts can drill down into some of our substantive concerns and the importance of ensuring that the framework evolves.

The ISPCP wants very much to represent their statement to the board, which I know talks about the financial issue. So there should be some commonality there in terms of expressing concerns about spending all this money to implement a system. Alex has done all the hard work to demonstrate that, while not a permanent solution, that we could facilitate implementation of the SSAD in the near term. I would perhaps [inaudible] might say provided that the board considers keeping it open to ensure that the framework evolves. I don't know whether I'm speaking out of line, but I defer to the experts to approach that as they see fit.

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STEVE DELBIANCO: In the chat, what I suggest, Barbara, is that Alex Deacon needs to ensure the ISP leadership understands the whole point of us bringing up an affordable ticketing system. It should be music to their ears. It was their biggest concern.

BARBARA WANNER: Okay. Yeah. Alex, I can forward ... If you don't have Wolf-Ullrich's email, I can certainly help make the connection there. No problem.

Okay. If we could go up again, Steve, to our prep meeting because we'll also talk about what we want to do in our open meeting. And there we have ... And I would invite ... There was an extensive discussion at the beginning of the call about SubPro comments and the importance of using that as another opportunity to address DNS abuse and the need for better compliance. We are inviting Karen Lentz to address the CSG open meeting to focus on the whole SubPro process and the outlook for a new gTLD round.

We have also extended an invitation to Cheryl Langdon-Orr and/or Tom Barrett to just get them in front of us, again, so we can run through our concerns about the way the NomCom RIWG approached reconfiguring, I guess you could say, the NomCom, and in so doing cut us out of one of our representations.

So, we thought that Heather would be a good lead on process because, again, IPC's comments largely focused there. And then, Steve, if you want to jump in on providing our historical perspective and the importance of having both a large and business seat representation, I think that would provide them with a balanced presentation.

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Then, finally, we'll again—and I think we really just want to clarify who is going to speak up on this issue is the GAC Public Safety Working Group requested a meeting with the IPC and the BC. We've also opened it up to the ISPCP in the interest of CSG inclusivity and we also hope to include ... I think Claudia is reaching out to Piers. We also hope to include some members of the EU delegation in this meeting so we can talk to them more generally I guess about GDPR interpretation, as well as perhaps the implications to the DNS system of the Digital Services Act which will be voted on by the EU parliament in the beginning of December.

So, again, in that closed meeting, I think the BC should be prepared to tap individuals to speak up on those issues. Okay, can we scroll down a little bit more? I think that's it for ....

Okay. There you see, on EPDP 2, evolution to the centralized model, this text was offered by Dean Marks and it just cites an opinion, I guess, that was offered by the Danish DPA that I think is amenable to our position. I included it there for everybody's review.

It was agreed among the CSG that we would try and meet with Becky and Matthew after ICANN 69 to follow-up on some of the matters that were raised before the board. We can also bring up data accuracy in that context, Marie, because I think Becky is amenable and open to considering our thoughts on that.

And then just I guess depending on what comes down in ICANN 69, other topics that we feel would be useful to address.

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So, does anybody have any questions about ... We've tried to really streamline it and make it simple. Since at some of these meetings we only have an hour, that's why we limited the agenda to two topics, so we wouldn't have to feel like we're racing through this substance and could really take our times in terms of articulating our point of view clearly and effectively. Any questions to anybody?

Okay. Well, there you have it. That's what you can expect beginning next week. Steve, can you just go back to the main calendar, policy calendar? I think we've covered everything important but ...

STEVE DELBIANCO: It should be up, Barbara.

BARBARA WANNER: There we go. Okay. This is where I defer to folks who were actually involved in these sessions. I really don't have any further information as to speakers and so forth. I know that Mason has been very active in terms of developing the DNS abuse session and that Fred Feldman has been involved in consumer protection. I defer to them in terms of elaborating on the substance they hope to cover in those sessions.

STEVE DELBIANCO: Any questions or other ideas for speakers? What I have indicated here are volunteers from the BC and IPC who said they would like to be on board. But Mason is part of the organizing for the second group. Claudia I think has added Barbara and I among the third group. But all we can do is work with ICANN staff and try to suggest speakers that want to get in.

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If there are any BC members on this call that would like to speak on any of these three plenaries, we need to get your name and a one-sentence aspect of your perspective and we need it today. Any questions? Back to you, Barbara, for ...

BARBARA WANNER: The very end. I think this goes through the NomCom issue that I just talked about. And we've also covered this earlier, that it appears very, very likely that Philippe Fouquart will be the next council chair. And then as per our agreement with the NCSG, then Tatiana Tropina will replace Rafik as the vice chair. And I think that's it, Steve.

STEVE DELBIANCO: Great report, Barbara. Lots in there. Thank you very much. Claudia, we'll go back to you for the last ten minutes. Sorry to use so much time.

CLAUDIA SELLI: No, that's perfect. In fact, Barbara has covered all the preparation for ICANN 69, so I don't need really to add anything to that. I think that was great, Barbara.

Then I would leave the floor to Jimson for the operation and finance report.

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JIMSON OLUFUYE:

Thank you, Claudia. Let me also say plus one to Barbara. Thank you so much for your thoughts. And Steve as well and everyone for the efforts made on every part of the activities for the BC.

I have just a few things to reiterate. Number one is that election is coming up, as we all know. We already have the process sent to us. Just for a reminder [inaudible] to the 19<sup>th</sup>, we do have nomination period open for two weeks for BC officer selection. Please [inaudible] again and let's consult and let's be part of the activities regard to transition in the BC.

Well, [inaudible] would be the financial standing of members. At this point, [inaudible] milestone with regards to financial compliance for members. So, would like to really appeal to members yet to pay it. You could check with me if you are not sure. A number of our members have taken that route and we've been able to resolve a number of payments quickly. So let's check. If you didn't get any mail, please [inaudible] with me or with yourself [inaudible] secretariat and let all of us ... I hope we can arrive at 100% so that everybody will be really part of the transition activities.

So, immediately after the BC officer election, we have election into the [inaudible] committee already being [diverged] to every one of us. And also we get called to membership of the Finance Committee.

I don't know if there are any questions. I believe there is none. Then I think that would just be a quick recap of the operations and finance. Thank you. Back to you.

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CLAUDIA SELLI: Thank you so much, Jimson. I don't know if there are questions by members for Jimson or anyone else or any other point. So, our BC open meeting is planned for the 15<sup>th</sup> of October for 5:00 UTC. I think we would speak [then and there].

STEVE DELBIANCO: Perhaps a reminder on those interested in running for officers of the BC and the calendar on elections.

CLAUDIA SELLI: Of course. By all means. So, I think that ... Jimson, would you like to give the perspective of the election?

JIMSON OLUFUYE: Thank you. Well, like the timeline ... I believe you are talking about a timeline. With the nomination period of two weeks, Monday the 5<sup>th</sup> to October the 19<sup>th</sup> of October. So, if you are interested in serving any of the offices, all the offices are open for the BC officers of the chair, the vice chair policy [inaudible], the vice chair finance and operation, and the CSG as Barbara posted in the chat. So, all these offices are open. So if you are interested, there are opportunities there for self-nomination and [inaudible] also want to nominate everybody, please consult with them. Then once it's okay, then they can put in the nomination. But please know the timeframe.

The candidate statement will come up on Tuesday, the 27<sup>th</sup> of October, and then the discussions will be held the day after, the 28<sup>th</sup> of October.



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Then the confidential electronic voting from candidates will follow from the 29<sup>th</sup> of October to Wednesday, the 4<sup>th</sup> of November.

Then, the announcement of the outcome will be on the 5<sup>th</sup> of November 2020. From that, 5<sup>th</sup> of November, new officers will begin to interact with the outgoing officers as part of the policy process we put in place regard to our elections, so that incoming [inaudible] opportunity to interact with the outgoing. Then the incoming will take their seats by January 2020.

Okay. So, this [inaudible] with the BC charter with regard to this election process. So it's guided by the BC charter.

I'm happy to [inaudible] people that are interested and would be in [inaudible] which is good. I am term limited, as we all know. We look forward to new officers. And if [inaudible] election and they are taking their seats, [inaudible] still available to [inaudible] as maybe necessary to ensure the transition is really quite smooth.

As I mentioned, please note immediately after the BC officer selection, we are going to have election for the [inaudible] committees, the credential committee. I think the [inaudible] committee, all the representatives, they are all term limited. I think they've all served for three years in that office, so they are already term limited. So members, please if [inaudible] office, begin to think where you could serve. Let's add value in every way possible. So, also in the finance committee, too. We have many that have served three years already.

So, I don't know if this is okay, this brief [inaudible]. Thank you.

CLAUDIA SELLI:

Thank you, Jimson. Any question or comments from the members? No? Okay. Then with that, I think we can close the recording and adjourn the meeting. Thank you very much, everybody for participating in today's call.

**[END OF TRANSCRIPTION]**