BRENDA BREWER:	Good day, everyone. Welcome to the Business Constituency Membership Call on 9th of September 2021 at 15:00 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 is taken from Zoom participation.
	And Mason, I'll turn the call over to you. Thank you.
MASON COLE:	Thank you very much, Brenda. Good morning, good afternoon, good evening, everyone. Mason Cole here, chair of the BC. Welcome to our call on the 9th of September. It's good to have you all with us. Thank you very much.
	As you can tell, we have, as usual, an ambitious agenda to cover today. Not the least of which is the policy discussion. So before we get started, are there any updates, edits, addition to the agenda as it's presented to you?
	All right. I see no hands, so we're going to dive right in. Steve, Item #2. Over to you, please, for a policy discussion.
STEVE DELBIANCO:	Thanks, Mason. Does the policy calendar show in the screen for you?
MASON COLE:	Indeed.

STEVE DELBIANCO: Great, thanks. Since our last meeting, we've only done one comment. It was not an ICANN public comment, but rather a letter to the European Parliament. Ms. Maydell from the ITRE Committee. This is a letter where the drafting was led by Drew Bennett who's on the call. And Mason assisted Mark SV, Claudia Selli, Nick, and Brian.

So this was a subsequent installment on the work we're doing to try to convince European Parliament to adopt the appropriate kind of amendments to NIS 2 so that it creates some obligations for accurate disclosure and publication of registrant information, largely in an effort to correct the overinterpretation of GDPR. For success with that regard, when the NIS 2 is adopted, it generates a lot of pressure for ICANN to change the post-GDPR Temporary Spec policy. And that is the objective that we're trying to achieve.

This was reviewed by BC members, and thanks to Drew's good efforts it was submitted on the 3rd of September. I can display that letter for a minute and let Drew talk to you about the current state of affairs on that.

Drew, do you want to cover that now?

DREW BENNETT: Sure.

STEVE DELBIANCO: [Go for it.]

DREW BENNETT: Although I don't have that up. Can you put that up? Yeah. And maybe, Steve, are you able to scroll down to where we can kind of see the 1 through 5?

STEVE DELBIANCO: Do you see it right now? Just keep telling me to scroll. I'm on page 3.

DREW BENNETT: There we go there. Sorry, no. Up a little bit. Yeah, right here. So we've got those five Roman numerals all on the screen. There we go. I think that's just really a good summary of the key points we wanted to make. All right, yeah. Those are the five key points that we're communicating to the ITRE Committee right now as this is the lead committee that will kind of be taking on some of the final compromises on amendments to reach a proposed first reading for the European Council. I think I got that right.

So a next step for us in the BC, I think, is that we want to provide you all with additional background and ammunition for whatever advocacy you as citizens or as representatives of your companies need for outreach to various constituents. Particularly our European companies and citizen among us, I think at this stage, will be very helpful as we get towards the European Council picking this up in the new year.

So we're working on a big background and talking points document with lots of links and references. And I think for folks that will want to continue to be part of this advocacy, this letter actually will be a really

good document to understand some of the key remaining hanging fruits. They're not low. And those are the five main categories for those.

So I'll be working on the document and getting input from various folks who have been active on this topic. And then we'll eventually have that up and it can live somewhere. It may be best to have it live as a Google Doc so folks can continue to update it. And I'll kind of work that out. but that's our next task by the end of the month, to get that for everyone.

STEVE DELBIANCO: Thanks, Drew. Great work on this. So the end of September will be the next walk-through on this. And we don't have to wait to have a meeting. We can, as you know, [circulate drafts] and links all along the way. And at that point, we'll find out … If members that are interested can't work off of the Google Doc, we'll always attach a Word doc version of the current draft which is what I did for this morning's policy calendar as well.

DREW BENNETT: [Very good]. Okay.

STEVE DELBIANCO: All right. Any BC members have questions for Drew? Okay, I'm not seeing any hands. Drew, thanks again.

I'm going to go back to the policy calendar. And having covered the NIS 2 item, there aren't any current public comments open at ICANN. So I'm scrolling right to two other items where we're preparing documents.

The first is that the EPDP Phase 2A finally concluded on the 3rd of September. Chairman Drazek said what he represented as a consensus report to the GNSO Council. And what I'd like to do is turn a little bit to Margie and Mark to talk about the next steps here.

Margie and Mark—along with Alex Deacon, Mason, and I—have been drafting a minority report for the BC. And what I shared with you is that it's virtually certain that the IPC and ALAC are doing a minority report. We've reviewed their drafts. And we also understand that the GAC is trying to do a minority statement s well.

So we have circulated now a couple of versions of ours, and it's due the 10th of September which is tomorrow. So this is sort of your last chance to make comments on that minority statement. So I was going to display that on the screen for those of you that haven't clicked on it and opened it anyway. And at that point, let Mark and Margie …

Mark, I see you're on the line. I don't see Margie, though. So Mark, I'll turn it over to you to talk to us about the minority statement which I'm about to display.

MARK SVANCAREK: Okay. Could you throw that link into the chat so I can follow along on my own page?

STEVE DELBIANCO: Oh, absolutely. So the link is the hyperlink that says "minority statement" but I'll put it in the chat as well.

MARK SVANCAREK: If you would, please.

STEVE DELBIANCO: Yep.

MARK SVANCAREK: I haven't got that open.

STEVE DELBIANCO: There it is.

MARK SVANCAREK: Voilà.

STEVE DELBIANCO: So Mark, I have it up on the screen in Zoom [inaudible] I moved the BC's prior things to a footnote on page 1 instead of having them in the header.

MARK SVANCAREK: Okay.

STEVE DELBIANCO: And BC members have had this for a while. There hasn't been a lot of back and forth on e-mail, and typically there is. So this would be a great time to see if we could solicit some input from the members.

MARK SVANCAREK: Yes. I fear that there's a certain amount of fatigue at this point. We have expressed our frustration with this phase, and that may have discouraged people from spending too much time on our minority report. So thank you for your patience as we go through this.

In our introduction we point out that we were tasked to focus on two specific topics: the differentiation of legal and natural persons' registration data, and the feasibility of unique contacts to have a uniform anonymized e-mail address, which Steve is highlighting there.

The former, we decided was the more important and strategic work item. The complexity of the second one—how we would actually use it in actual practice, how it would be implemented and be useful—we decided that was of secondary important. Still important, but of secondary importance. And that's why our comment focuses on the natural and legal distinction.

And so our main thing is that this is all about guidance and that what we've created is optional differentiation, which existed in previous phases. And we continued in Phase 2A to leave the whole thing as optional. And so we thought this was very frustrating, given the amount of guidance from various organizations such as MAAWG, the amount of legal feedback we had received from Bird & Bird, etc.

And then next, we point out that the consensus designation is actually very misleading because we don't support the outcome, and we don't think that the rest of the EPDP supported this as consensus either. And this would be, at best, support with strong opposition. More likely, I think if you were viewing this from outside, you would say it was simply divergence.

STEVE DELBIANCO: BC members should raise your hand or put into the chat any questions as Mark walks us through this.

MARK SVANCAREK: Okay. The next section on our view says—well, I've really covered this already—that there's really no policy over here, that there's a growing reliance, overall, in policy development to not actually develop policy, and that the consensus designation is inaccurate and misleading.

In the next section, we talk about the important of being able to identify who you're doing business with, and for law enforcement and everybody else to actually know who is the benefit owner of a domain name, and that these users have not been satisfied by our continuing inability to create mandatory policy relative to the accuracy, verification, publication, etc.—differentiation—of these data.

And we point out that as a result of this, we're actually in a procedural problem because our inability to achieve consensus on this goes all the way back to Phase 1 Recommendation 17.1 where the failure to determine and resolve the issue was required to be carried forward. We

don't think that the outcome here actually resolves the requirement of Recommendation 17.1 So in addition to all of the problems that we have with the actual outcome itself, procedurally we think that we haven't fulfilled our obligations that were put forward in Phase 1, and that the chair should have recognized this.

In the next section, we talk about the NIS 2 Directive. The NIS 2 Directive, for those of you who haven't been following closely, contains requirements which will regulate portions of the domain name services industry. And we believe that when the directive is transposed into member state law, that these obligations that were put forward are in fact going to become binding law.

We believe that this is going to overtake the policy development process. The policy development process has shown itself to be very slow and unable to achieve consensus, and when these laws are passed something is going to happen. Either another PDP will need to be formed and then act very quickly or, very likely, ICANN will need to create another Temp Spec.

And so we have stated that ICANN should be obligated to properly respond, setting up PDPs and doing whatever is required. We were not able to get this—

STEVE DELBIANCO: Right, Mark. Because the answer from the contracted parties in ICANN is that the policy that was put in place in Phase 2 that is yet to be implemented is permissive. In other words, it would allow a registrar, if they felt that they had to, to display and share—public—information

about legal person registrants. So the claim from those who oppose us in the PDP is that ICANN policy already accommodates whatever NIS 2 comes up with because it allows it, but if doesn't need to require it. And therefore, we make the argument that ICANN needs to have a consistent and non-fragmented approach to the globe as opposed to allowing a given registrar to decide whether they wat to adopt the NIS 2 obligations in just a selected market.

So there is to mandate on ICANN to do anything when NIS 2 is enacted. We have to argue for that mandate because it won't necessarily be required by NIS 2. The way GDPR worked in 2018 is that GDPR made certain elements of ICANN's then existing consensus policy on WHOIS that made it [not] a violation of GDPR. So that was a clear conflict between WHOIS policy and GDPR law. If we don't succeed at creating a conflict like that in NIS 2, then it will be a matter of argument and influence as to whether a new PDP is ever launched.

MARK SVANCAREK: Right. So GDPR had very clear extraterritoriality. It was very clear that a United States company doing business with EU citizens or with an establishment within the union would be impacted by GDPR.

My reading of the DSA and NIS 2 is that there are extraterritorial elements of these as well. Nevertheless, Steve makes the point that if ICANN does not set the mandate, if there is not binding policy, then you will get a fragmented situation where people argue, "Well, I'm not actually covered by these obligations," and then you'll have a situation where an American registry, for instance, might argue, "Well, I'm not actually covered by NIS 2." And others will, and we don't really know

what that does. It fragments the market. It fragments pretty much everything. And it certainly could create loopholes where bad actors simply seek out contracted parties who will accommodate their desire for nontransparency.

This really needs to be done at the ICANN level to give us the greatest amount of coverage. You can't cover all of the ccTLDs, but you can cover the most if you have binding policy at ICANN.

STEVE DELBIANCO: Right. And you're doing a good job making the argument, but we should not leave BC members with the impression that NIS 2 forces ICANN to do anything. It does not.

MARK SVANCAREK: It does not.

STEVE DELBIANCO: It does not. It may in its final form, depending upon how convincing Drew's letters are and our lobbying is. But at this point, it doesn't look like it creates a black and white conflict [of] policy versus law, so it will be up to us to push the ICANN Board to require GNSO to do a PDP in the name of trying to have a consistent global approach. To do that, we are going to have to lean very heavily ALAC, on GAC, on IPC, and maybe even the SSAC to ask the Board to force GNSO to do a PDP. Otherwise, the contracted parties and the NCSG will block a new PDP when NIS 2 is approved.

This was a primary argument that I tried to make every chance I got during the EPDP, but we were, again, outvoted there. So I don't know that, Mark, we have to go through each and every recommendation. But on each recommendation, we do not support the recommendations in the PDP. And this is our chance to say so in our minority statement.

Mark, is there anything else you want to raise here? Or members, do you have any questions about the minority statement that we're going to submit tomorrow?

Mark.

MARK SVANCAREK: I don't need to go through this line by line. As you say, I think the following sections are quite clear on our feelings about Recommendation 1 and Recommendation 2. Well, all of the recommendations. So if you just skim those, I think you'll get the gist of it. There's a little bit of complexity which is obscured here, but don't think you need to go into that depth of detail.

So if you do have any questions, feel free to raise them to myself, Alex, Margie, Steve, and Mason before the deadline tomorrow. Thanks.

STEVE DELBIANCO: Yeah. Great work on this, Mark. Susan, did you want to mention anything about the Phase 1 Implementation?

SUSAN ANTHONY: Thanks, Steve. It's going along slowly. We're losing on a lot of accounts, but there's a core group that show up. Alex Deacon has done a really good job of leading and coordinating all of us. And unfortunately once we think we've agreed upon something, maybe a month later, a couple meetings after the agreement, the CPH comes back very well aligned against whatever we thought was agreed on.

Privacy proxy—we had quite an intense discussion, again, about. And they will only agree to … They did not agree that PPSAI was a policy and that it was simply not implemented. So we had a lot of debate over what was policy and what wasn't.

But we're trying. That's all I can really say, is that we're trying to push back as much as possible.

STEVE DELBIANCO: Thanks, Susan. Alex, anything else you'd like to add?

ALEX DEACON: No, Steve. I think Susan summed it up pretty well. It's frustrating and we're continuing to fight the good fight, calling out their illogical and contradictory positions when we can and as often as we can. But we're not making a lot of progress. And there's still zero indication or transparency as to when we'll see the DPAs from the multilateral discussions between the contracted parties and ICANN. And because of that, I assume we really have no idea when or if this implementation will conclude. So it's frustrating on many levels.

STEVE DELBIANCO:	Definitely. When a majority is sitting on the status quo, they are unresponsive to criticism that says they're being hypocritical or inconsistent. The majority sitting on a status quo is a very difficult thing to move. We're going to need a catalyst to move them.

NIS 2 could be that catalyst if we can organize the GAC, ALAC, and SSAC to stick with us and push for action by ICANN. but short of that, ICANN Org right now is acting on the general desire of the contracted parties, which is to slow walk and minimize the implementation of Phase 1. The truth is, even if Phase 1 were implemented in its totality, we would still be very dissatisfied with what it has generated.

Any other questions? If I don't hear from BC members by noon Eastern time tomorrow, then we will submit this minority statement. And as soon as I see it, I will share with all of you what the IPC, the ALAC, and the GAC put in.

All right, thanks. I'll go back to the policy calendar. An element in here that I wanted to cover is something that mason brought up in the general agenda, which is that the BC has a small working group that is looking for more members every day. And we met on the 30th of August to talk about a new registrar audit report that was put out by ICANN. Now they did a lot of this work in February, but it took several months to put the report out because ICANN wanted to be sure that the registrars who failed the audit would have an opportunity to cure the failure.

So, Mason, I have on the screen a summary of what we concluded about the audit report and what we think that the BC should consider going forward. Would you like to walk us through that?

MASON COLE: Sure. Thanks, Steve. Steve, do you have the audit report link? If you don't mind, maybe put that in chat.

STEVE DELBIANCO: I'm doing it right now.

MASON COLE: Thank you. So as Steven mentioned, ICANN does an annual audit of registrars for various criteria pertaining to their RAA. In this round it was an audit detailing their response to DNS abuse. And as Steven mentioned, they started this audit back in February. If you believe some of the news accounts of the audit, somewhere around 90% of registrars failed the audit in the initial phase because they didn't have, for example, an abuse contact listed on the homepage of their website which is required, or similar other requirements dealing with DNS abuse.

And as Steve mentioned, there was a significant gap of time between the opening of the audit and the publication of the audit results, which gave registrars an opportunity to cure whatever breaches of the RAA they were responsible for. And they did that, and they brought the registrars back mostly into compliance in terms of their RAA obligations.

So we discussed this—

STEVE DELBIANCO: Mason, if could clarify, the only thing they brought into compliance with was to maintain a working abuse contact to receive reports of abuse. That's the thing I've highlighted. Notice that they did not audit. The second half of the sentence in the requirement is to respond to such reports. That has not been audited since nearly none of those registrars even gave you an ability to submit a report, let alone test their ability to respond. And that's sort of setting the table for you where we may go next.

MASON COLE: Yeah. Thank you, Steve. Yeah, thanks for pointing that out. You're right. So the question then, from our discussions, is what should the BC do next. And what we arrived at was the idea that we would ask ICANN Org to schedule another audit in a six-month time frame, this time to assess registrars' obligations to respond to DNS abuse reports.

And as Steve's got up on the screen here, as part of that audit, we would suggest that auditors insert test complaints of DNS abuse and then measure responses so that it's not just merely, "Hey, registrars, do you have an abuse contact listed on your website?" But we would go into more depth in terms of how they actually take in, measure, respond to, and cure DNS abuse at the registrar level.

So the BC then, as Steve's got upon the screen on, and the broader community should also take a look at DNS abuse reports prior to the audit period and try to find a few per registrar. And then we can go and enlist help from others that are interested in the DNS abuse issue and

encourage ICANN to do this new audit to get an actual, clearer picture of what's really happening with DNS abuse because the audit really is not … It skims over the surface of DNS abuse and doesn't really provide an accurate assessment of what's really happening.

So I think that's where we left off, Steve. Did I leave anything out?

STEVE DELBIANCO: No. I think that covers it, Mason. I appreciate that. We're always looking for others to help us in the DNS Abuse Working Group, and Mason's time demands are such that we'd like to fid a member of the BC to help take over this chairing of this little group in the BC. So this is a very focused activity. It doesn't it require someone to be a lawyer or have intimate knowledge of contracted parties' obligations. And it's a great chance to advocate for ICANN to do more to help to address DNS abuse.

And to that end, I included a link here to post from the executive director of the DNS Abuse Institute, Graeme Bunton, formerly of Tucows. And Graeme just put out in CircleID, suggesting that the definition of DNS abuse … We've been fighting about what that should be. And he's saying that we ought to change the definition so that it really speaks in terms of how do you mitigate whatever it is you're trying to solve. So the definitional debate as well as whether the registrars are doing what their contacts obligate them to are two elements that will converge here.

Vivek, you're asking about the definition. So on the screen in front of you, the definition that is being advocated by the contracted parties is this one. That definition, if we feel it's too narrow, we should go ahead

and add more. If the contracted parties then say that what you've reported, Vivek, is not a DNS abuse, then we want them to say that so that we can tease out the kinds of activities that are covered and not covered.

But DNS abuse, the definition side, is something that is part of the debate. So Vivek, please join the working group with us and we'll help to coordinate that.

Any other questions? I see Mark SV and Vivek both have hands up. Vivek, why don't you go first since I was just pointing out what you had said in the chat.

VIVEK GOYAL: Thanks, Steve. My question is that as part of my daily work, we file a lot of complaints with the registrars, but they are where the registrar is—like GoDaddy—is also acting as a hosting provider. We do file some complaints with the registrar in terms of phishing attacks or spam. So in this tracking—audit—that ICANN has done and what we are planning to file so that we can track whether they were responded to or not in the [latter half,] should we, will we also consider where the registrar is acting as a hosting provider or only the complaints that are strictly adhered to the definition that is currently listed under the [inaudible]?

STEVE DELBIANCO: Mason, what are your thoughts on that?

MASON COLE:	Steve, I apologize. I was making a note about Jay joining the abuse group, so I didn't hear Vivek's question. Do you mind?

STEVE DELBIANCO: Yeah. Vivek's got a great question about this distinction that's often used by the registrars to say, "Oh, that's not us. We're just the name server. You should go to the hosting provider." And sometimes the registrar is also the hosting provider. But the obligations, Vivek, that are in the document … The obligations that I indicated right up here. I'm going to highlight them for right here, obligation [3.1a].

That obligation falls on registrars not on hosting providers. So it's the registrar who has to maintain the abuse report. And they have to respond. Their response ended up being, "Go call the hosting provider." Well, technically, that is honoring the obligation they have to respond. If they are the hosting provider, well then we should be doubly angry that they're not actually addressing it.

MASON COLE: Steve, I would agree wholeheartedly with that. In the course of complaining to registrars, at times they do come back and say, "This is a content issue" or something analogous to that. We don't want to take down the website in totality. So take it up with the hosting provider. And at times, that's a legitimate direction for them to point a complainer in.

STEVE DELBIANCO: Right. But keep in mind that all these things that are in the definition that the industry accepts involve content. There is content involved in

inducing you to install a piece of malware or a botnet for pharming and phishing. That is still the content that exists on a web page. So lets not let them claim that, "Oh, if it's content it's not covered." It is.

MASON COLE: Yeah, it is. And we can talk about this again when we come to the DNS abuse part of the agenda, but the BC has been making the point, more broadly, that the definition needs to be flexible over time and not narrowly defined as the contracted parties have got it here—malware, botnets, pharming, phishing, and spam.

As SSAC pointed out, DNS abuse threat vectors are going to evolve over time as the bad guys figure out how to do more bad things on leveraging the DNS. So we can't be lulled into an overly-narrow definition, or we'll fid ourselves handicapped in terms of the ability to actually do something about abuse at the registrar level.

STEVE DELBIANCO: Mason, this is the DNS abuse part of the agenda.

MASON COLE: Oh, okay. There we go.

STEVE DELBIANCO: So do it now. And then Mark SV has his hand up.

MASON COLE:	Go ahead, Mark. I've got a slide to put up, so go ahead.

MARK SVANCAREK:	Okay. So I wanted to go back to Graeme's latest post on DNS abuse. So there's a kernel of value in this post. I mean, he's still pushing a very narrow definition of DNS abuse, but he's also starting to think about ways that harms and mitigations can be expanded. And so he's sort of saying, "Let's not lock ourselves into a definition of DNS abuse," but also "let's redefine DNS abuse." So it's a little bit circular and confusing.

But he's also talking about the chain of responsibility, the accountable actors, and the list of harms. Now he wants to focus on harms that mar mitigated by the DNS. See how that's kind of a deflection from harms that are enabled by the DNS? But there's some little piece there that I think ought to be encouraged.

Now I'm going to put a link in the chat here. I've been working with a special interest group through first.org. And we've been working for—I don't know—many, many months. It took a long time in the pandemic. And you can see the link there.

What we've been doing is that we started thinking about DNS abuse in a way similar to this. But we started with ENISA's threat and attack taxonomy. So ENISA is the European Union's cybersecurity authority. And the have a pretty comprehensive attack and threat taxonomy. And what we did is we just simply mapped that to anything that was related to the DNS. So is it enabled by the DNS? Is it an attack upon the DNS? Is it detected by the DNS? Is it mitigated by the DNS?

And this mapping, you can imagine, is fairly huge but it's pretty comprehensive. And it's not just pulled out of the air. It maps directly back to what ENISA's saying.

So what Graeme is proposing here is a single column of that mapping, but it's still better than what they were saying before. It's more clear than what they're saying before. I think we should take this opportunity to push them towards what First is doing. I think they will object to that, but it's a way to draw the whole thing together. I think he's given us a foot in the door, in a sense. And so we should try to see how we can take advantage of that.

So don't dismiss it immediately. Look for the progress that's in that post. Also take a look at the special interest group and see if you want to participate in it. Certainly see if you understand how we're doing the mapping and if there's any value there. Thanks.

STEVE DELBIANCO: Thank you, Mark. Susan, hand up.

SUSAN ANTHONY: Actually, I am finding Graeme's post interesting, too. In some ways I do agree with what he's saying. I had not seen this, so thank you for that. And I think we need to also look around in the Internet world and see what players are actually doing right now.

Radix, which is gTLD registry—they have 10 different TLDs like .website and .tech—will proactively review registrations at the registry level and

suspend them, put a server hold on them. And they will do this with key words that seem suspicious or abusive, and famous brands.

So famousbrandlogin.tech—10 to 1, that's going to be suspended shortly after registration. And it think that's a good step in the right direction. Now all phishing is not done with known trademarks in the domain names. We all know that. But some are. And sometimes it's not a clear phishing attack, but it adds to the confusing for the user.

I've said this for many years. Trademark protection isn't really protecting … It does protect the trademark, but the ultimate goal is to protect the user. And when infringing domain names with login verification, password reset—those kinds of things—are included in a domain registration with a famous brand, it's sort of an obvious indicator. And if we could push on that type of behavior by registries or registrars, I think it would be helpful.

STEVE DELBIANCO: Thanks, Susan. And Mark, folks are asking for that, so if you're able to send an e-mail to BC private on how to join First. So that's really helpful.

I think that Vivek and Mark have old hands. So, Mason, you had a slide. Please go ahead and display. I'll stop sharing.

MASON COLE: Thanks, Steve. Brenda, could you put the slide up, please? Thanks very much, Brenda. I'm conscious of time here. We've got about 20 minutes to go, so I'll be fairly quick.

So the DNS Abuse Working Group within the BC met about a couple weeks ago and we discussed the status of our work against DNS abuse. There's a group of 10 of us. More people are certainly welcome. As Steve mentioned, I'm having a bit of a difficult time juggling BC duties in terms of chairing the working group. So if there's someone who's particularly interested in leading the effort, I would welcome the assistance. So if you think you're interested in that, then please contact me offline and I'll be happy to lead you through what we're doing.

So you may recall that back in May we had a discussion of the direction of the Abuse Working Group within the BC. There were four objectives that we laid out at the time. And we reviewed these in our last meeting and have updated them a little bit. And I just wanted an opportunity to update the BC on this.

You can see here that there are four. The first is "Keeping the definition of DNS abuse officially broad and flexible over time." And as I mentioned, the SSAC in particular has been loud on this that it's important to maintain a flexible definition of DNS abuse because you don't know what the bad guys are going to be doing day by day, and what represents DNS abuse today may be outdated by tomorrow and replaced by to something different, more sinister, destructive, etc. And it's important, then, that you don't enshrine a very limited and narrow set of definitions on what DNS abuse really is.

So I agree that Graeme's most recent column is probably a tentative step in the right direction. But we'll see.

Second objective. "Dissuade the opening of a new TLDs round until abuse is productively addressed." And this is beyond the sort of ticketing

system that ICANN runs today. You might know that if you submit an abuse complaint to ICANN, usually it's passed along to the registrar and ICANN just sort of hands off the process. Then they may check back. They may not. And close the ticket and then report to the community if they're done something about DNS abuse.

So we want to see something much more robust than that, rather than just this sort of pass-along model that ICANN is employing right now.

And third. And then here's where we made a couple of update. "Help ICANN Org secure contractual tools necessary to combat DNS abuse." And what that means is that in addition to contractual tools like an update to the Registrar Accreditation Agreement which ICANN Compliance confesses they need in order to actually fulfill the compliance function in a meaningful way—which they don't seem to be doing now—but in addition to those contractual changes, we're asking for a more vigorous and in-depth audit to include test cases and updated abuse definition, etc. So this is must more robust in terms of ICANN's approach to mitigating DNS abuse.

And then fourth. "Positively impact the level of DNS abuse as measured by both ICANN and non-ICANN sources." And we included ICANN and non-ICANN sources because neither source, either inside ICANN or outside ICANN, is fully authoritative in terms of quantifying the level of DNS abuse.

So we've seen lots of independent reports about abuse that say the abuse problem is must more pronounced than ICANN says it is. We have ICANN, on the other hand, saying, "Yes, we know that abuse is a problem, but we're dealing with it. Here are our statistics demonstrating

that we deal with it." And there's a gulf in between. So we'd like to see, as a result of our effort and the efforts of others, that the measurement of DNS abuse actually trends downward as measured by both ICANN and by independent sources.

So this is the direction of the working group, and if you're interested in joining, you're very welcome to join. If you're interesting in helping lead this group, you're more than encouraged to do so. And if you have questions about what we're doing, then I encourage you to contact me or any other working group member offline.

Okay, Steve. Back to you.

STEVE DELBIANCO: All right. Thanks, Mason. Next up is our discussion of GNSO Council. There hasn't been a Council meeting since our last call, so we are still on tap for our next Council meeting to be on the 23rd of September.

Marie, would you and Mark like to discuss?

MARIE PATTULLO: Sure. We can be brief here. As you say, we have not had a Council in the interim. I know in your last call when I could not join—my apologies—there was a question as to what's happening with the Accuracy Scoping Team. I think you'll find that the problem is we don't have a chair. They put out a call asking for somebody to come forward as chair. They extended that call and the deadline is today. So my guess is that's why we're not seeing movement there.

At the same time, there are another couple of calls out for volunteers. One, as Mark mentioned last time, to take over from Edmund on the IDNs because Edmund is going up to the Board at the AGM. So that one's open until the 15th of September.

There's another one which is the liaison. So if you like the messenger/the communicator between the GNSO Council and a new ODP, the Operational Design Phase, which will be about SubPro. So the deadline on that is the 21st of September.

Now the next Council meeting is the 23rd. We don't yet have an agenda. My guess is that we will be discussing EPDP 2A as the deadline for minority statements is tomorrow and the deadline to get the motions in for the meeting is the 13th. So just three days later. Unless you who have far more experience than me tell me differently, I can't foresee there actually being a vote in September. But I would certainly expect a discussion.

I would also probably expect a couple of discussions on things that maybe aren't so important. One is about the role of the liaison between the GNSO and the GAC. There's been a lot of noise about that that can be summed up quite well in that it's really important to have it. It's really important that it exists. But there have been a number of people who believe that the current incumbent of that role, who is Jeff, perhaps doesn't realize he's supposed to be an observer to the Council and only talk about GAC stuff as opposed to being a full Council member and talking about everything. Obviously, Mark and I can go into more detail about that if you're interested.

This is a guess. I don't know. There may be a presentation from staff because, you remember that they have decided that staff should be doing a scoping text overview of where we are on the UDRP before Council starts to draft the charter for the second phase of the Right Protections Working Group which will look at the UDRP.

And you will remember that we, the BC and others, think that it's a little bit odd that staff is doing this because they don't know anything about the UDRP. But this is the way it's going.

Yeah. I completely agree with what you're saying, Mark. I'm just trying to explain that Jeff is … Yeah. Jeff's role is … I mean, he's really, really good at what he does. He's got so much knowledge, so much background, so much to share. But sometimes there is the impression that comes from a lot of different people that, yeah, he is running things sometimes.

Mark, do you want to take over now and pick up on that or anything else at the IDNs?

MARK DATYSGELD: Thank you very much, Marie. Yeah, that seems to be a little bit of a—I wouldn't say a concern. More of a problem. There's an overreach going on over there. And, you know, as a novice to the Council I don't know exactly how one would deal with that. But certainly something has to be done at some point, I think.

But other than that, fun times at the IDN EPDP. We don't have a chair and we are starting on a very substantive discussion on RZ-LGR. For

those of you who are not in the know of this particular term, it's Root Zone Label Generation Rules. And it should be a simple technical matter, but people conflate it a lot. And without a chair, it will be very difficult moving forward on that one. So don't expect this EPDP to advance in any meaningful way until we can get a chair and somebody to mediate those interests. So let's put a [yield] sign on that EPDP for now because it's not really going to progress that much.

On the other hand, we have another fun one, but this is internal to the GNSO. It's the EPDP CCOICI. So it's the constant improvement EPDP. I'm representing the BC in that one. Lucky me. What I can tell you from the first meeting is that it was basically the staff saying that it's not too sure that this committee can actually do anything, which makes ones wonder why exactly it exists.

So, yeah, I'm here to spread the joy [inaudible]. But, yeah, nothing great going on in those terms. I'll keep you guys posted on whatever the continuous improvement is supposed to be. It seems to be related to PDP 3.0. That seems to be the gist of it, but I'm yet to see how exactly we are going to affect that.

So, yeah, very briefly those would be my updates so we don't run out of time. Thanks.

STEVE DELBIANCO: Thank you Mark and Marie. I'll quickly go to Waudo because we're quickly crowding out Waudo and Lawrence as part of the agenda. Go ahead, Waudo.

WAUDO SIGANGA: Thank you, Steve. Waudo here, as CSG liaison, for the record. Since the last BC meeting two weeks ago, there are only three items that I can be able to report on. I think they have been put there on the screen. I don't know. I'm not seeing them on the screen, Brenda. Anyway, as she's looking for them I'll tell you offhand.

The first one is that there's been a meeting between the CSG leadership made up of the chairs of the constituencies and the ICANN leadership made up of Göran, Maarten, and Matthew Shears, as well David Olive. And in that meeting that was had on the 1st of September, the BC was represented by our chair, Mason Cole. And I've written a little bit of a summary of what happened in that meeting.

But I think it's only fair that since Mason is here, we just hand over to him to quickly let us know what transpired in that meeting, what was the outcomes, and what is the way forward.

Mason.

MASON COLE: Thanks, Waudo. Yes. I'll be very quick. So at the instigation of Heather Forrest who's chair of the IPC, we had a meeting with ICANN leadership include a couple of Board members, Maarten and Matthew. This was last week. And the objective of the meeting was to make sure that the tone of our relationship between the CSG and ICANN leadership was cordial and productive and not frustrated and unproductive.

And I would generally say that, on balance, the outcomes of the call were good. But I remain skeptical, I guess, that ICANN continues to give weight to CSG positions as much as they do contracted parties. And I made the point on the call to Göran and Maarten that I was hard-pressed to think of a CSG priority that had advanced itself within the ICANN structure over the past couple of years. And they couldn't name one either. Their suggestion was that we were biting off issues that were too big for us which I strongly disagree with. I think that the CSG is every bit as entitled to address major issues inside of ICANN as any other stakeholder group or constituency of advisory group.

So this is going to be a work in progress. Our relationship with ICANN leadership is workable at this point. It continues to need improvement over time. I'm committed to making sure that it's workable without being confrontational or unnecessarily testy. And I'm hoping for good outcomes over the next couple of months in this regard.

I think that, as one step—and Göran mentioned this on the call—that he would be interested in an informal with the BC about issues that are priorities to the BC, and he can be a guest at our meeting maybe before ICANN72. So we're looking into the schedule there to see if that can be accommodated.

But I think that's pretty much it, Waudo. So back to you.

WAUDO SIGANGA: Thank you, Mason. The other quick item is on the GNSO Council chair election. On this item, this is actually done and dusted by the BC because the BC is supporting the re-election of Philippe Fouquart, and

we've taken that position to the CSG. Overall the CSG is also supporting Fouquart's re-election. What we don't know at the moment is whether the NCSG is going to support Philippe or not. So we're still waiting for that information.

In case they do not support Philippe and come up with another name, then we will see the way forward and we will communicate. But in case they accept Philippe, then they will have a chance also to select one of the two vice-chairs for the GNSO Council.

Then the last item is [on] ICANN submitted two CSG meetings. There will be a CSG open meeting on the 25th of October from 19:30 to 21:00 UTC. We're going to work on the agenda for that meeting, and we will circulate it to you beforehand.

In addition—if you can just go a little bit down, Brenda—there will be a CSG closed meeting, also known as a Membership Call, on the 5th of October. So that's pre-ICANN72. Again, we've shared the agenda for that meeting in advance.

Thank you. That's my short report. Thank you. Back to you, Steve.

STEVE DELBIANCO: Mason, I think that's it for the policy section.

MASON COLE: Okay. Thanks very much, Steve. We have two minutes to go to the top of the hour. I ask your indulgence if we go over for just a bit today. We still

have Lawrence's issues to raise and discuss. So if we can go back to the agenda, please, Brenda.

And we're through Item #5. We skipped over Item #3, so we're back to Lawrence now for an operations and finance report. And then we'll go to AOB. So, Lawrence, over to you, please. Go ahead, thanks.

LAWRENCE OLAWALE-ROBERTS: Thank you. Good day, everybody. I'm sure we've been enjoying the discussions today, like myself. Because of time, I'll just go straight to some important points on the report and share with members hereafter.

We have three meetings in October. The first meeting in October will be our regular closed meeting scheduled on the 7th. And we have another one scheduled for the 24th. And during the ICANN meeting, we have a meeting on Tuesday the 26th. And the registration site for ICANN72 is open and we can go ahead to start preparing for that public meeting.

There's an important webinar on the 14th of September—that's the coming week—on the ICANN Board Finance Committee's work. They will be sharing some details on how [inaudible] and the annual budget process and the community. So [inaudible] interest and I want to encourage BC members to sign up for the webinar, especially members of our Finance Committee.

There is also, the day after the 15th of September, there's also going to be a webinar on two different time slots so that you can fit the ones that are [inaudible] whether it's [00:00 UTC or 15:00 UTC.] This webinar prepares the ground for FY23-27 Operating and Financial Plan and FY23

budget. This is going to be posted for public comment through September, and in December [inaudible] it is expected that the draft plans will be approved. So [inaudible] those of us with keen interest [inaudible] financing to start contributing to this process.

Okay. I'm going to move on. We have an open request for contributions for the ICANN72 newsletter. I want to encourage members to kindly write some volunteer articles on issues that are of interest to business, especially in the DNS ecosystem. We have until the 28th of September to make our submissions. And we will then work with the designers to ensure that the newsletter is ready for the next public meeting.

Based on the approved FY22 budget estimates, the process for filing a report is ongoing. And once the process is complete, I will report back to membership. The BC's reserve fund is still [inaudible] $50,000, and hopefully, [inaudible] grow this by an additional $10,000, possibly $20,000 by December [inaudible], wherein we will have [inaudible] for ICANN72 [inaudible] the reserve fund.

We want to encourage members who are yet to pay their dues [inaudible] in the year. We want to encourage members to kindly bring your dues up to date. If you're not sure of your status, kindly reach out to invoice@icannbc [is the mail] or myself and we will confirm your status. Let's not forget that only financially up to date members will be able to participate in the upcoming officers election.

The nomination period for the officers election is now open. It has opened on Monday and the process will run, remain open until the 20th of September.

I want to [use this] opportunity to thank our members who have put a lot of confidence in some of the officers, and I'm sure that we will do everything to continue to move the BC forward in the interest of all.

The process for the officers election will end with an announcement on the 1st of October. Right after then [inaudible] officers committee elections. We [inaudible] DNS Working Group. All committees of the BC will be looking for volunteers [at least]. And we look forward to further announcements regarding committee election.

If there are any questions, I will hold on to take that. Otherwise, I yield the floor back to the chair. Thank you.

MASON COLE: Thank you, Lawrence. I just want to say if anyone is not aware about the amount of work that Lawrence has put in into getting everything up to date in terms of our finance and operations, you should take a minute to say thank you to Lawrence. He's done an outstanding job. So thank you, Lawrence, for that good report and for all of your work.

All right. We're back to the agenda now unless there are any questions or updates for Lawrence. Okay, I see now hands.

All right. We're under Any Other Business. Is there any other business to raise today for the BC? All right.

Okay, friends. Thank you for the indulgence of going five minutes over today. This was a good call. We covered a lot of territory and we look forward to the next BC call coming up in a couple of weeks.

Thank you again for all your time, and the BC is adjourned.

[END OF TRANSCRIPT]