
CHANTELLE DOERKSEN: Good morning, good afternoon, and good evening. Welcome to the BC members' call on Thursday, January 14th, 2021. In the interest of time, attendance will be taken via the Zoom room. With this, I'd like to turn it over to our chair, Mason, to begin. Mason, please go ahead.

MASON COLE: Thank you very much, Chantelle. Good morning, good afternoon, and good evening, everyone. This is Mason Cole, your new chair. Thank you all for joining the BC call on 14th January, 2021. Happy New Year to everyone. Chantelle has put up the agenda in the Zoom room. As you can see, we have a fairly ambitious agenda today.

We also have some special guests who are going to give us a presentation. And then, we have a compressed agenda, as well. I want to point out on agenda item number eight, as well. We've added this as a new item for anyone on the BC who would like to open the floor for an issue that they'd like to introduce—an issue of importance or of interest to the BC. So, if you have something in mind, you might prepare your thoughts or your remarks for that agenda item.

With that, the first order of business is agenda item number two, and that is to acknowledge our outgoing ExCom members. As you have probably seen, I sent an e-mail out to the BC recently that we have four ExCom members who are rotating off the ExCom—Claudia, Jimson, Barbara, and Scott—all of whom gave very distinguished service to the BC. We owe them a debt of gratitude for their hard work and their service.

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.

At the risk of offending anyone with my pandemic-related haircut, I'm going to start my video because I want to show you what we've prepared for them as a departing gift. So, let me just start my video.

As you can see right here, we have a plaque. This one is for Claudia and it reads, "The ICANN Business Constituency warmly thanks Claudia Selli for your distinguished service as chair, 2018-2020, with all good wishes from your BC colleagues." There it is again. We have one of these each for Claudia, and Dr. Jimson, and for Barbara, and for Scott. It will be my pleasure to send that out to everyone in the coming days. So, be on the lookout for that.

We also have arranged for a modest cash award to be conferred onto each of them as another gesture of gratitude for their service. So, they should expect that, as well, very shortly. So, when you get a moment, I would appreciate it very much if you could congratulate our outgoing BC members on their service and say thank you to each of them. So, I'll turn off my video, now. Mark Datysgeld, are you on the call yet? I don't see Mark.

CHANTELLE DOERKSEN:

Hi, Mason. No, Mark's not on the call yet. I can go ahead and do the next part if you'd like.

MASON COLE:

Oh, sure, if you would, Chantelle. Please do. Mark has prepared what you might call a "tribute video" for our outgoing BC ExCom members. You're

going to find it interesting and funny. So, let's have a look. Chantelle? No, Chantelle, we don't have the audio.

CHANTELLE DOERKSEN: Okay. Sorry, I was afraid of that. Let me see if I can fix that. I'll try one more time and, if not, I will have to drop it in the chat.

UNIDENTIFIED MALE: [inaudible] that it's muted. Lower left-hand corner. There you go.

CHANTELLE DOERKSEN: It's funny, I can hear it on my screen. Let's try again.

MASON COLE: No, still doesn't look like it's working. Well, Chantelle, what I might suggest is we send this out, we send the link out to everyone on the BC private list, so that they can have a look at it at their leisure. If we want to take another look at it during our next BC meeting, we can do that, as well, when Mark can give a little introduction. Would that be okay?

CHANTELLE DOERKSEN: Sure, that sounds good. Thank you.

MASON COLE: Okay. All right, thanks very much. If we could go back to the agenda? All right. Thanks, Chantelle. We're onto agenda item number three, now. We have guests from Interisle Consulting Group, Greg Aaron and Lyman

Chapin. As many of you know, they've prepared a new report on some research that they have conducted. This is a report that the BC helped co-sponsor. They have graciously given us a bit of their time to show us a preview of their report, which I don't believe is going to be published until later in January.

So, please make sure that whatever information you clean from this today isn't spread around, nor are we going to make a copy of the slides available yet because we honor their publication date. So, gentlemen, I believe Lyman is going to give a brief introduction, and then we're going to get into the heart of the study. So, Lyman, over to you.

LYMAN CHAPIN:

Thank you, Mason. I want to extend an additional thanks to the Business Constituency as a whole for stepping up and helping to sponsor this study. What we've done, we've been calling it the Contact Data Study. The intent is to directly measure the impact of contact data redaction in response to ICANN's temp spec on the ability to identify domain name registrants.

As Mason said, we'll be publishing the report and the data on January 25th. That will be published at the Interisle website and the BC folks, of course, will get an alert that that has happened. Until then, I just ask that you keep this confidential and not disclose it before then. We have limited time, so I'm going to hand it directly over to Greg. He will go into the substance of the report and we'll leave some time at the end for questions. Thanks, again.

GREG AARON:

Okay. Thanks, Lyman. Can we have the slides up on the screen? Okay. Then, go to the next slide, please. All right. Lyman has given us our introduction, so we can go to the next slide. Okay. So, in this study set, we have 3,000 domain names that were scientifically selected according to a number of criteria.

One of the things we're doing in this study is we're using some methodologies that have been used in past ICANN studies so we can have some continuity, and some of those studies were created by the NORC center at the University of Chicago but we're using almost twice as many domains as they did in their studies.

This set is representative of the gTLD space as a whole, also by market share, by TLD, and registrar, and so forth. By using this number of domains, we have achieved a very high confidence level. Among other things, we had to gather WHOIS for all of these domains, sort it, find proxy domains and so forth. And then, also, we visited all 3,000 domains to see if they had websites and to find out what those sites could tell us. Next slide, please.

So, one of the things we're going to do is understand how much contact data was available in the past and is available now. So, back in 2010, a study found that contact data was available, real, identifiable contact data, for 82% of domain names. The other 18% were privacy proxy domains where we don't know the underlying registrant. A 2013 study by NORC said it was almost the same at that point, 80% contact data available, 20% privacy proxy.

We looked at some historic data to establish a baseline for April 2018. That's before the GDPR and before registrars and registry operators started redacting data as allowed by the temp spec. We found that privacy proxy had inched up, maybe to 24% or so, but that left 75% or more data available.

In the fall of 2020, the availability of actual contact data has fallen to 13.5%. Privacy proxy has risen to 29% or so. Now, the registries and registrars are redacting 57%-plus of contact data. So, basically, the ICANN temp spec and the ePDP have allowed the redaction of 57% of domains' contact data. Next slide, please.

We're finding a great deal of variability in how the registrars, for example, have decided to do that. Some registrars, like GoDaddy and Tucows, are now redacting in a blanket fashion. They're basically redacting everything except in cases, maybe, where the registrants opt into publication.

Other registrars have applied blanket privacy proxy protection. That includes registrars like Namecheap and Google registrars. So, they're potentially using privacy proxy as a way of complying with GDPR and just ending up redacting everything in a practical fashion.

Other registrars are making very different choices. Registrars like Network Solutions are publishing contact data for their registrants who are outside of the European Union and might not be under the jurisdiction of the GDPR. So, we see wide variability in the choices the ICANN policy allows. Next slide, please.

What's interesting is that, registrants who have privacy proxy protection, 28% of them identify themselves on their websites. So, sometimes the

registrar has given them privacy proxy, or maybe the registrant purchased it, but on their websites they reveal their contact information because they're mainly companies and businesses, and they want to be reachable, and they identify their contact information and, oftentimes, key employees and so forth. Next slide, please.

So then, we broke down the registrants. We could look at their WHOIS data, and there is still some WHOIS data left, and we could see if they were companies or not sometimes. And then, we visited their sites to see if we could find out if they were legal persons or not. Of course, a natural person is an actual individual, a living human being. A legal person is an incorporated entity—a company or an incorporated not-for-profit.

The difference between those two is important because GDPR says it does not apply to the data of legal persons. In other words, GDPR technically does not cover the data of legal persons. We do have this issue of companies put the names or contact data of the individuals in their domain name records.

That's kind of a separate issue and we're not going to try to address the policy options for that in this report. We're trying to stick to the numbers. But it's a big issue and that's one of the things that is being discussed in the ePDP Phase 2A right now, and there should be a decision on that. Anyway, what we're finding is that we were positively able to tell that at least 36% of domains were registered or used by legal persons ...

CHANTELLE DOERKSEN:

Greg, your audio has cut out. Do you want us to call you?

[MASON COLE:]

Perhaps Lyman could take over in the meantime?

LYMAN CHAPIN:

Yes, I think it's inevitable that we should have at least one major audio problem while we're giving the presentation. As Greg pointed out, what all of this boils down to is that, at the time at which we conducted our study, roughly 52% of the domain space is controlled today by parties that are unidentifiable. In other words, there is no registrant contact data available from WHOIS and that is due either to redaction in response to the temp spec or to an increase in the use of proxy privacy.

But what we've seen, of course, in the previous slide is that the proxy privacy increase has been relatively small and relatively continuous over the years since 2010 as, more and more, registrars offer it as a default option when people register domain names. Can we move onto the next slide? Next slide, please.

So, if you look at what the GDPR actually says, and you have the GDPR itself, and then you have a list of what amounts to concordances that have been published by the EU, roughly 23% of the domains in our sample were technically subject to GDPR based on jurisdiction.

So, you can see the breakdown here. So, that's about 23% of the domains in our sample were because of the jurisdiction of the parties involved, which might be the registrant, or the registry, or the back-end operator, etc., all of the categories covered by the GDPR—they were actually subject to GDPR. So, next slide, please.

But what we call the “reach” of the GDPR involves jurisdiction and a limitation to legal persons, and the GDPR is very specific and excluding legal persons from the coverage. So, as I said, 23% of the domains, roughly, were subject to GDPR based on jurisdiction, but about 40% of those domains were identified as being registered by legal persons.

So, we just made an assumption. We have no reason to think that there is any reason for the unknowns, the ones we couldn't identify, to be preferentially either legal or natural persons, so we just figured we would assume that that would break down roughly 50/50. What that leads to is that, overall, only 11% of the domains registered in our sample are actually subject to GDPR. ICANN policy in the temp spec, of course, is much broader and it allows registrants to redact for, essentially, however they like.

And so, the next result of that has been that we have just over 57% of domains for which information is redacted and the net is that ICANN's temp spec policy has allowed roughly five times as much domain contact data to be redacted as would be actually required by the GDPR. So, it has gone way, way further than the GDPR would require, and that has resulted in more than half the domain name space now being unidentifiable with respect to the registrant identification. Next slide, please.

We took a look separately at 1,000 registered domains that had been identified as maliciously registered and used in phishing attacks and discovered that those criminal uses of domain names use proxy protection at twice the rate of registrants for domains that are not used for phishing. This as an interesting side effect of collecting the data that

we did and it suggests—and the reason I have included this as a last slide—that there are quite a few other avenues of investigation that have been opened up as a result of the work that we have done to establish as statistically and academically rigorous way of collecting actual measurement data and also being able to relate it longitudinally to data that we collected in other studies. I'll stop there, that's the last slide. We can have some time for Q&A, Mason, at your discretion.

GREG AARON: Lyman, can you hear me now?

LYMAN CHAPIN: Yes, we can hear you now. Thanks.

MASON COLE: All right. Thanks, Lyman, and thanks, Greg, very much. Questions or comments for Greg or Lyman? I'll take a queue. Not seeing any hands just yet. Alex, please go ahead.

ALEX DEACON: Yeah, thanks. Hi, everyone. I couldn't find the raise-my-hand option. Yeah, this is great, Lyman and Greg. I appreciate it. I think it will be very helpful moving forward. I had two quick questions. First is, what was the source of your WHOIS data for the study? Was it Port 43 WHOIS queries, or did you use RDAP, or both?

LYMAN CHAPIN: Greg, are you still on? We may have lost Greg again. These were all Port 43 WHOIS queries.

ALEX DEACON: Okay. But that makes sense considering RDAP I have found to be not very helpful.

LYMAN CHAPIN: Just incidentally, we have also found significant variation when both WHOIS and RDAP are available from the same registry or registrar. The results are not always very closely aligned, so we decided to stick to one.

ALEX DEACON: Yeah, it's a mess. And then, if I could just ask one other question quickly, on the 1,000 maliciously registered phishing domains, for those that had contact data available (i.e. not privacy proxy) were you able to determine or analyze what percentage of those potentially had inaccurate data?

LYMAN CHAPIN: We did not try to do that. A little beyond scope. But I'll say, certainly, some of it looked facially invalid.

MASON COLE: Okay Alex, thank you for the question. Oh, I'm sorry, Alex. Were you finished?

ALEX DEACON: Yes, thanks.

MASON COLE: Okay, thank you. Other questions or Lyman and Greg? Susan.

SUSAN KAWAGUCHI: I was wondering if, when you were reviewing the records to determine if they were proxy or redacted, if there was any confusion on what was a proxy. I mean, I've looked at some records and said, "Oh, it's a proxy. No, no. Maybe it's GDPR-redacted." Because I'm not seeing consistency in how registrars are redacting data and, sometimes, the naming structure appears to be very close to that of a proxy. I was wondering if you were seeing any of that.

GREG AARON: [Hi, Margie.] It should be possible to distinguish the two and we have some notes in our methodology section about this. If you're a proxy provider, you're supposed to include your name and full contact information in the WHOIS. So, for example, we should see street addresses for proxy providers. That's required.

LYMAN CHAPIN: I'll continue for Greg. That is required by the policy for implementing proxy and privacy services. What we found is that that is not universally followed, to be generous. But in most cases—and the methodology section of the report will go into this in much greater detail, exactly how we made that discrimination—we were able to tell.

I'll also say that, in order to maintain longitudinal consistency with some of the reports, particularly the University of Chicago reports, we adopted a very conservative approach to making these kinds of discriminations. So we did not, for instance, wing it and try to take a guess. If we couldn't tell, really conservatively tell, we put it in the "unknown" category. So, we're pretty confident that the ones that we did put into the other two categories actually belong there.

MASON COLE:

Okay. Thank you, Susan. We have Nenad and Margie in the queue, and David Snead, I think, wants to ask a question, and then I think I'm going to cut the queue at that point so that we can try to stay on track for the rest of our meeting. So, Nenad, please go ahead.

NENAD ORLIĆ:

Hi, everybody. I'm [inaudible] question [inaudible]. As I understand, the study was [inaudible] consequences by change of ICANN policy. But did you have information about the policies of ccTLDs from not EU? Because it would show the contrast of how registries react to the change. For example, [inaudible] ccTLD decided to redact the data, although it doesn't have any ... It's not obliged by EU rules.

I know it's not the scope of the study but it can show the contrast of who registries are helping themselves making their job easy because, from what I've seen in this data about how different registries reacted, I see that some of them redacted everything to make their job easier, although we see that we have these [inaudible].

And the other question I have is does ...? You see that 1,000 illegal domains were ... [inaudible] domains are [inaudible]. But does [inaudible] data set also include some of the domains that you know that are registered for illegal phishing or some other purposes? That's it. [inaudible] questions.

LYMAN CHAPIN:

Yes, thanks, Nenad. With respect to the first question, as you pointed out, it wasn't within scope to look at ccTLDs but it has occurred to us that it would be very interesting to make the comparison that you referred to. And again, the methodology that we developed and the data sources that we have cultivated, we have continued to maintain and curate those data sources. That is definitely a direction in which we could go with a follow-on study.

For the second one, I honestly do not know the answer to that. If Greg is on, he might be able to give you an answer. But if not, we'd be happy to correspond with you offline and make sure we answer your question.

NENAD ORLIĆ:

Because it also shows good contrast. Are the owners of the domains that are registered in good faith [I didn't redact] because they want to, because their registries are doing it for them? Or maybe that number of domains using proxies [inaudible] is, if they're also included the bad-faith domains—let's put it like that—maybe they are [inaudible] percent of that domains if they are in that data set.

LYMAN CHAPIN: Right. And we certainly found that, among the proxy-privacy-protected domains, we saw two trends. One is that malicious registrations account for a larger proportion of proxy-privacy-protected registrations than non-malicious, and that's what you would expect.

But we also found that a lot of the—or at least part of the—increase in the use of proxy privacy services comes from the fact that many registrars are now defaulting to a proxy privacy service so that, if you're just registering a domain, in many cases the default is for it to be concealed behind a proxy privacy service, and that's just offered for free by the registrar. And so, many registrants who don't necessarily have a particular interest in disguising their identity, end up behind a proxy privacy service because it came with the registration package.

MASON COLE: Okay. Thanks, Nenad. Good question. Our last one is from Margie. Margie, please go ahead.

MARGIE MILAM: Hi, everyone. Thank you for the findings. It's really amazing information. I just wanted to point everyone to comments in the chat. Steve suggested that, for those that may be commenting on the NIS directive, to share this information might be helpful. And the second area where it might be helpful is as the BC drafts its comments on the ePDP Phase 2 recommendations. I think this illuminates some of the issues that we have been fighting about and would be very helpful for the ePDP to take note of. So, I would encourage us as the BC to look at that.

And then, the stepping back, even a wider application of this, we've all been fighting about the fact that the privacy proxy consensus policy has not been implemented. I think that this only further highlights why there is a need to have consensus policies that address privacy and proxy services, and that it's just simply not acceptable to continue to delay that implementation as well. So, this has a lot of great implications. And then, the last thing, I just wanted to say I'm sorry, I have to drop off for another call. So, hopefully, either Mark or Alex can talk to some of the issues related to the ePDP as that appears on the agenda. Thank you.

MASON COLE:

Thank you, Margie. All right. I'm afraid we have to cut the queue at that point because we're already behind schedule. So, gentlemen, thank you very much for attending the call today. Thank you for your presentation and for answering questions. Perhaps you could send a copy over to us when your findings are published?

LYMAN CHAPIN:

We can certainly do that, Mason. Probably the easiest way to accomplish that is to make sure that you get an announcement with the link. It will be a standard thing with a PDF, and a web page, and so forth.

MASON COLE:

Okay, sounds good.

LYMAN CHAPIN: Because we're publishing not just the report but we're also publishing the full data set that we used to derive our conclusions, with the idea that anybody who doubts any of the points that we make is welcome to go into the data set and reconstruct it for themselves. So, it will be a comprehensive publication. Thank you very much for giving us some time on your agenda. We Interisle folks will drop off the call now.

MASON COLE: All right, thank you both very much. Good to have you with us. All right. Item number four on the agenda. Steve, over to you for the policy discussion, please.

STEVE DELBIANCO: Thanks, Mason. I'm going to try to share my screen, which is the policy calendar I circulated. Give me a second, here. It's not allowing me to share my screen. I've just installed a new laptop and it works superbly but it is not allowing me to share my screen yet. Give me a second.

CHANTELLE DOERKSEN: Hi, Steve. If you give me a moment, I can bring it up on mine.

STEVE DELBIANCO: Yeah, please do. Thanks, Brenda. Yeah, thanks all. This policy calendar which has circulated yesterday—I'm going to focus in tightly since we have a very short agenda. Since our last call, we haven't filed any new public comments, so we'll go to the new open comments.

ICANN is seeking public comments on priority-two policy recommendations. These are things that came out of the ePDP Phase 2 on WHOIS. Those comments currently close on the 22nd of January.

This is really just about four key recommendations that came out of the Phase 2 report, which they categorized as priority-two topics: privacy proxy, redaction, data retention, and the purpose of ICANN. All of these are really doubly important in light of what the European Commission is proposing.

So, I think we want to definitely invest some time into getting that right. We did a lot of work on this in July in the minority statement that we circulated on the ePDP report. So, I want to thank Alex Deacon, Vivek, and Roger because you volunteered to draft a BC comment on this. Since it's due by the 22nd, we want to circulate something no later than, say, this weekend for all of you to review. So, are there any other BC members that want to comment or, Alex Deacon, would you like to? Alex or Roger, you're both on the call. Anything you'd like to say about it?

ALEX DEACON:

Yeah, Steve. I'll put together some ... Well, I was going to say bullet points, but maybe some beefy bullet points on this and send it around. I think it shouldn't take too much work to flesh it out and have something presentable in short order. Thanks.

STEVE DELBIANCO:

Yeah, I'd agree with that, Alex, for sure. Again, we only have to focus on the five recommendations that are listed there and we can draw heavily

on the work we did this summer where you were a major contributor. If we do it that way, it might be relatively easy to circulate a first draft.

Alex, I would also say that we can put a bookmark or footnote for the Interisle study where we think it would be relevant, knowing that we will be able to put a hyperlink to it and maybe even paste in some screens, because I think that Interisle will be publishing ... Did they say late next week? Was it the 25th, Mason, that they said?

MASON COLE: Yeah.

STEVE DELBIANCO: Yeah. So, I will ask, Alex, if you, and Roger, and Vivek think that it would be helpful for us to cite and use things, then I'll get special permission from Interisle to have it in there since we're going to be putting ours out on the 22nd of January. Are there any other volunteers that want to join? Nenad, your hand is up. Is that for this topic?

NENAD ORLIĆ: No, I can find now where the line is. I'm too new to [apply to] [inaudible].

STEVE DELBIANCO: Okay. Yeah, you have to be careful here on the BC because any time we see a hand up we take it as a volunteer. Yeah, Brenda, move to the next one, please. Oh, and Drew Bennett is going to help, thank you. Yeah,

that's right, Mark. Okay, plus Drew. The next one up is on ICANN's draft operating plan and financial plan for the next five years, and then next year's operating plan and budget.

The BC does this every year and it's usually thanks to leadership by Jimson. Mark Datysgeld has pitched in, the finance committee, Tola, Arinola, and Lawrence, and you guys do an amazing job for us. Tim Smith, as well. So, let me just ask whether we can have some volunteers, here, to draft that plan. It's not due until the middle of February.

TIM SMITH:

Hi, Steve. I will certainly contribute to this.

STEVE DELBIANCO:

Thank you, Tim. Lawrence's hand is up. Thank you. Fantastic, thank you. The next one up is the Mozilla Public Consultation. So, it's not an ICANN public comment but Mozilla seeing public comment on DNS over HTTPS and trusted recursive resolvers.

We've discussed this since early December when Mark Datysgeld identified the opportunity and circulated a draft comment on jurisdiction, about whether Mozilla is properly aware of the role the multi-stakeholder community here at ICANN is managing this notion of unique identifiers. We have expanded and then retracted our comment a little bit to briefly consider whether we would discuss encryption of the recursive resolver queries for authoritative servers.

Ultimately, Alex and I couldn't see eye-to-eye on that so we left it out. And then, Alex Deacon came back with some other questions and

comments among the four of us that are drafting. I have already circulated our latest draft with Alex's comments.

The drafters will continue to work on this but this is an opportunity to understand what the rest of the BC thinks about the Mozilla comment and the draft that we're circulating. Mark and Alex, anything to add to this? Okay. Again, attachment one is our latest draft. Right now, it is a very simple, non-controversial comment, mostly about turf/jurisdiction between Mozilla and ICANN. It may not expand too much beyond that in the next couple of days so watch your e-mails for the final last call.

Number four on this list, and the final one, is that the European Commission is seeking comment on that new proposed directive which would, among other things, clarify quite a bit about the role of WHOIS disclosure publication and how it interacts with GDPR. So, I think that has an opportunity to be very helpful for us.

Mason raised the prospect that the BC should consider filing a comment. They're not due until the 10th of March and ICANN themselves are quite keen to this. They claim that their Strawberry project contributed to the parts of this new directive that address the WHOIS system. So we believe that, thinking optimistically, this can revive the prospects for renewed access to the registrant information we need to protect our customers, employees, and businesses. So, are there any volunteers among the BC members that would think about considering drafting that comment? Again, it's not due until mid-March.

Those who have commented on European Commission proceedings would be so helpful to this. We can provide, probably, the domain

expertise to put it in, but I would love to have a lawyer or two who are used to commenting to the European Commission and understands how to speak to them in ways they find persuasive. Who has got some experience at European Commission comment filings? Claudia, in particular, I'd love to see whether we could tap your experience.

MASON COLE: Steve, I'll take ... I'll help on this one.

CLAUDIA SELLI: Steve, I'm happy to help the way I can, but if there are also other people contributing, certainly, I'm happy to advise.

STEVE DELBIANCO: Thanks, Claudia. I very much respect your ability to shape things for the audience that this is intended for. This is not for an ICANN public comment. This is a European Commission comment. We have to be really attentive to what that audience wants to see. So, we have Drew Bennett, Mason, and Claudia initially, and that's helpful. Thank you. All right. Barbara, thank you for volunteering to help, as well. Go ahead, please.

BEN WALLIS: Before I moved to the State five years ago, my work was all related to the EU. I'd be very happy to provide another European/EU-related/experienced eye on that, and you can add me to the list. Thanks.

STEVE DELBIANCO:

Fantastic. Yeah, that would help. Thank you, Ben. That's a good list. All right. My general background on the ePDP and GDPR has moved to the bottom of the policy calendar but I did want to give an opportunity—if you'll scroll a little bit lower, please, Brenda. A little bit lower so that the next one is up, as well. Scroll down. Thank you very much. Keep going, please. Okay, great. So, the ePDP Phase 2 meetings began in December.

We had another one this morning, one about an hour and a half. It was several BC members and we were led by Mark Švančárek and Margie Milam on that. The next meeting, then, will be next Thursday. So, Mark, Margie, Alex, anything you want to report on today's meeting for ePDP Phase 2A?

I can summarize and suggest that today was a lot about whether there could be a reliable and uniform anonymized identifier that could be published in a way that we could use it to correlate where abuse was happening on multiple domains, and we would correlate it to a single registrant, even if we didn't know the identity of the registrant. That would be the key, here.

I think we're running into a buzzsaw on this, though. A lot of resistance from the contract parties. We may end up relying upon the European Commission directive to force this to happen, so I would say this morning's call was really the same as it was on the earlier ePDP—complete resistance from the contract parties and the NCSG to anything we want to do to increase our ability to protect our consumers and our users through registrant disclosure. All right. Next up is channel two, where I want to turn to Marie Pattullo and Mark Datysgeld, since you are our councilors. Mark and Marie.

MARIE PATTULLO: Thanks, Steve. Can you hear me?

STEVE DELBIANCO: We do.

MARIE PATTULLO: Lovely, thank you. I'll be brief because we have very little time. Most of our last council meeting last year was taken up by a tortuous back-and-forward discussion about the infamous—and soon to be announced—death of WHOIS. Thick WHOIS, sorry. In essence, we have not been able to come to an agreement with contracted parties on Recommendation 7.

As I speak, our colleagues from the IPC are still trying to negotiate with the contracted parties. We've got a little bit further but not really enough. John McElwaine, the IPC councilor, is going to be sending a last-ditch attempt at amendment within the next 24 hours or so, probably, but we are expecting that we're going to have to vote no: "With regret, no." So, between now and next Thursday I'll draft up a three-or-four-line statement for the record about that. Steve, I'm happy to go further into that but I don't think it's going to help. Do you want me to or not?

STEVE DELBIANCO: Here's what I would suggest. Brenda, please scroll lower so it focuses on the next council meeting, because that's where Marie has been discussing it. So, the next council meeting, look at the consent agenda,

number four. Number four on the agenda is the motion affirming this Rec 7 that Marie is discussing.

Here's what we want BC members to weigh-in on for Marie and Mark: if some but not all—and not the most important parts of the amendments that we wanted—are missing, should we vote no, or do we vote yes because a few of our amendments were accepted in good faith, or do we abstain? What is our ...?

We also could potentially offer an amendment that would fail, and then we're put in the position of voting, probably, "no" on the main motion. So Marie, what are your current thoughts? Let's tee it up that way. What are your current thoughts as to how you and Mark will vote at the meeting, which is next week, so that BC members could react?

MARIE PATTULLO:

Based on the instructions that you gave us for the last meeting—and I am conscious that Ben Wallis has his hand up but, Ben, just let me close this up—I would assume that you want us to vote "no" because we are no further forward. It's not going to make any difference, anyway. You know that we don't have the votes to carry this.

But having fought this long and this hard, and now to back-track and just say, "Hey, you know, whatever, we'll vote in favor," I don't think that would help, either. But I do think we need to look to the future of relationship management because over an hour of the last council was tied up in this. We are not popular people. Hey, we're never popular people! We're good with that. It's fine. But in all seriousness, I don't think

fighting will actually get us anywhere, and that's what we need to be realistic about.

STEVE DELBIANCO: So Marie, to clarify, then, if the key parts that we want in the later part of the result are not accepted, are you leaning toward voting no?

MARIE PATTULLO: It's my understanding from the instructions you gave us last time, Steve, because nothing material has changed.

STEVE DELBIANCO: Mark, what are your thoughts on this?

MARK DATYSGELD: Yeah, I tend to agree with Marie. It doesn't seem like there is much of a space for discussion. That doesn't seem to materially exist. So, I do think it's more about making a position but not picking any enemies on the way because this doesn't seem like it will go anywhere.

STEVE DELBIANCO: Mark, I'd like to clarify that there has been plenty of dialog in the small team and between us and Pam. So, she has accepted some but not all. They have been open to dialog but that doesn't mean they agree with what we ask for. The challenge is, if they accept it on some things, does that create a problem for us in that they have cooperated but they haven't given us what we really wanted?

So, we end up, if we vote no, indicating, “Why bother working with the BC and IPC? If you don’t give them everything they want, they still vote no.” That doesn’t help our relationship but that could be the position we find ourselves in. Marie, what are your thoughts on what the IPC is thinking right now on this topic?

MARIE PATTULLO:

John McElwaine, one of our councilors, as I said, will be sending a last-ditch attempt at an amendment. I know that Heather Forrest, the president of the IPC, has said that they will be preparing a statement to be read into the record as to why they would be voting no, and I really do think that Pam and the others have moved far at all, so I don’t see that they would expect us to suddenly accept what we have been against all this time.

STEVE DELBIANCO:

Great. So, I would guess that we ought to draft a very brief statement, as well, just [inaudible] why we would vote no. But in terms of relationship management, let’s please acknowledge, at least, that Pam had multiple discussions, that the council allowed a deferral for further discussions, that a few of our changes were accepted and, for that, we are grateful.

So, we want to acknowledge the dialog and be grateful for that but, at the same time, explain why we are still at a “no.” That would be where I think we ought to go. Maybe we can do a statement. It doesn’t need to look like the IPC statement. Again, we always focus on protecting users. Okay?

MARIE PATTULLO: Absolutely, yeah. No problem.

STEVE DELBIANCO: Great. Okay. We can probably scroll down, Brenda. Thank you. Brenda, I'll be sure to be sure that I've got it up. The other motions are not as critical and I thought I would turn things over to Waudu and talk about the CSG liaison to see if you have anything to add, Waudu. I know you're on a—

WAUDO SIGANGA: Thank you, Steve. I hope you can hear me.

STEVE DELBIANCO: We do.

WAUDO SIGANGA: Yeah, I'm on a train, so if you have some background noise I apologize for that. Happy New Year, everybody. So, just a short report about what's going on at the CSG. As Steve has indicated in the policy calendar, there will be a meeting between the CSG and the GNSO-appointed board members on 18th February. That's pre-ICANN70. The BC members and the members of the other constituencies of the CSG will be invited to attend. So, please put that on your calendars. As you can see, I think Brenda will send the calendar invites for this.

We also planned for that meeting to invite the other GNSO-allied board members. That is Avria Doria and [inaudible]. So, we may have four board members for that meeting.

The main topics for the meeting were sent around the adoption of the ATRT3 report and the ICANN holistic review, but we are going to give a final agenda for the meeting some time closer to the meeting. We are also asking BC members who would like to have anything discussed in that meeting—you are welcome to suggest topics or issues for that meeting.

Then, the other item happening in the CSG, just very quickly, is regarding the ICANN70 planning. As you know, the ICANN70 would also be a [inaudible]. Sorry for the announcements. [inaudible]. So, there is a prep grid available. I think you have been given the link. You can have a look at that. You can have a look at the prep grid. The two main meetings that we need to plan for are the CSG open meeting and the CSG Executive Committee meeting with the board.

So, for the open meeting, we have come up with a suggestion for a presentation on Universal Acceptance. There will be a next part on that that we'll talk ... The purpose is actually just to pep up the open meeting so as to make it more attractive for people to dial-in and participate in that particular meeting.

There are a few important deadlines, maybe, I can mention for the plenary topics. The deadline for presenting those is the 22nd of January. For the session requests, the deadline is the 12th of February. For one of the plenary meetings, the BC has suggested a topic of regulatory

procedures. This was brought by our chair, Mason Cole. So, I think I'll just stop there, unless maybe Mason would like to just give a quick word about that particular plenary topic that we have suggested to, maybe, see. Thank you, Steve.

STEVE DELBIANCO: Thank you very much, Waudo. Mason, it's back to you to manage the rest of the agenda.

MASON COLE: Thank you very much, Steve. All right. Let's go to ... Well, let me ask. We just had a brief council update from Marie and Mark and a CSG report from Waudo. Those were agenda items five and six. Is there anything else that any of the three of you would like to add? Any questions from BC members for Marie and Mark on council issues or for Waudo on the CSG?

MARK DATYSGELD: Pretty quick, Mason. We just had the RPM's webinar. If anybody couldn't attend that, the main outcome is they seem very convinced that Phase 1 is done. So, if anybody has been following that at any point of its multiple years and would like to have a look, now seems to be the correct time to just go over the documents, see what they're proposing, because it does seem like this will come up very strongly in the near future. That's about it, thank you.

MASON COLE: Thank you, Mark. Marie, your hand is up.

MARIE PATTULLO: Very briefly, thank you, Mason. I wanted to thank Vivek for coming forward as a volunteer for the fellowship mentor. In the end, the SSC—that's the Standing Selection Committee—chose Farell Folly, who is a current GNSO Councilor, to take that role. But I really wanted to be on record saying thank you to Vivek for stepping up. He came in a very close second, so thanks, Mason.

MASON COLE: Thank you, Marie, and thanks indeed to Vivek. Zak, quickly, please.

ZAK MUSCOVITCH: Real quick, Mark and Marie. Is there any information from GNSO about when the Phase 2 is going to begin scoping and chartering? Thanks.

MARIE PATTULLO: Really good question, Zak. From memory, I'm trying to remember if they have even put together the drafting team yet and I'm not certain that they have. Let me check up on that and I will get back to you on the rest.

ZAK MUSCOVITCH: Many thanks.

MARIE PATTULLO: I do know it definitely will be rechartered, however—that will happen—learning, as you know, from some of the mistakes from last time like the

scatter-gun approach of the questions. And of course, it will also include the new IGO track.

MASON COLE:

Okay. Thanks, Marie. All right, folks. We have six minutes left in the call. We may go over just a bit, so I ask your indulgence on that, just because of the unusual agenda for today. So, apologies for taking up a bit more of your time, but I want to make sure we cover all our issues of importance. All right. We are now on agenda item number seven. Lawrence, over to you for the Operations and Finance Report, please.

LAWRENCE OLAWALE-ROBERTS:

Thank you, Mason. Good day, again, to all the BC members. I will quickly go through the short report. So, for all the offices, we are all seated and the handover is completed. This includes the committees, the finance and the credentials committee, fully seated. We'll keep you updated as we progress.

The previous executives handed over a bank balance of \$131,623.58. We have been able to grow this a bit further because we have some old members who have paid for the current financial year and we have also, in the course of the week, had a new member join in the BC.

The new member is from TAU Commerce d.o.o. The [focal] person is Nenad Orlić. We've heard him interject one or two times as this particular meeting. We will be hearing more from him. We have invited him to introduce himself on the BC's private list.

With regard to news, we have reported a few of us ... I mean, we only have a few companies left and we want to encourage that you reach out to us if you have any challenges with invoicing and all that, or if you're not sure of your status.

On the finance [belt], we have an opportunity to submit an additional budget request. We will be doing this before the deadline. Our target is, latest, by the 27th of this month. I would like to say that, for the current year, a sum of \$320,000 was approved by the ICANN Board.

Out of this, \$4,500 was allocated to the BC. This represents 1.4% of the entire budget which I think is really, really, really meager. So, within our submission this time around, we definitely will still be making multiple submissions, aside from the BC newsletter that has been funded, and we'll also be making a strong case for additional allocations from the additional budget request.

On the BC newsletter, we have opened a call for the newsletter for ICANN70, as is the tradition. We normally have the newsletter launched on the day of the meeting. Please, we encourage BC members to put forward articles that can be used for this next edition of the newsletter. Our deadline for submission that we are working with is by the first of February. You can send your submissions to Chantelle or to myself. Thank you. If there are any questions, I'll be standing by to take them. I yield the floor back to Mason.

MASON COLE:

Thank you very much, Lawrence. Excellent report. Any questions or comments for Lawrence, please? Okay. I see no hands in the queue.

Lawrence, thank you very much. If we can go back to the agenda, please, Chantelle? All right. We're on item number eight.

This is an agenda item that Mark Datysgeld suggested a while back, before we took over as the new BC ExCom. So, I'd just like to open the floor briefly for any issue that any member would like to raise, that hasn't been previously raised in this meeting or elsewhere, that would be good for the BC to put on a future agenda or otherwise discuss. So, let me just open the floor briefly for that. Would anyone like to raise their hand for this issue? Mark.

MARK DATYSGELD:

Thank you, Mason. I will briefly inaugurate the space by saying I think this is a good opportunity for us to be able to bring up other things that might be escaping our grasp. I would point to the Mozilla comment as an example. It's something that's not strictly ICANN-related but it's definitely within the scope of what we're trying to do here. And it may also be something that we find relevant in terms of Internet governance.

So, some movement that you saw, some movement within the IGF environment. I think we have enough precedent of these things creeping up on us that it would be good for us to be able to have a little bit of extra insight. So yeah, I think this is a great opportunity. Thank you, Mason, Steve, and everyone for enabling this. Let's see if it works. I encourage everybody to contribute.

MASON COLE: Thanks, Mark. Your raising of the Mozilla issue is a good example of what we're proposing to bring up in this agenda item, so thank you for that. Anyone else want to take the floor on item number eight? Okay. Any other business to be brought before the BC this morning? All right. I see no hands in the queue. So, at precisely the top of the hour, we—

WAUDO SIGANGA: [inaudible].

MASON COLE: Waudo, you need to mute, buddy. Thank you very much. All right. At the top of the hour, we actually brought the meeting in on time, so thank you everybody for being efficient today. We are adjourned until Thursday, 28th of January, at the same time. So, the BC is adjourned now and, Chantelle, you can stop the recording. Thanks very much.

[END OF TRANSCRIPTION]