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BRENDA BREWER: Good morning, good afternoon, good evening. This is Brenda speaking. Welcome to the Business Constituency Candidates and Membership call, on the 15<sup>th</sup> of July, 2021, at 15:00 UTC.

Today's call is recorded. Kindly have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation.

And I'm turning the call over to Mason. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, good evening, everyone. Mason Cole here, Chair of the BC. Welcome to the BC call on the 15<sup>th</sup> of July. Good to have you all with us after a short break since our last meeting at ICANN71. So good to have everybody here. We've got an hour-and-half today to accommodate our candidate interaction for the NomCom seats, as well as regular agenda for the BC meeting. So you see the agenda up on the screen.

Before we get started, are there any additions or updates to the agenda that need to be made?

Okay. I see no hands. All right, very good. So we're going to lead off with the NomCom candidate interaction and then we'll get to the rest of our regular agenda. So let's go ahead and begin.

Lawrence, the floor is yours, please. Go ahead.

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

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LAWRENCE OLAWALE-ROBERTS: Thank you, Mason. Good morning, good afternoon, to everyone on today's call. We are starting off with an interaction with candidates for the NomCom seats. As we are well aware, the BC maintains a large seat and small seat on the NomCom. We've had, in the past year, Scott McCormick serving on the large business seat while we have also had Adetola Sogbesan representing the BC as the small business rep on the Nominating Committee. As we are well aware, more than ever before, there is now a lot of focus and community-wide focus, I will say, on the BC representatives to the NomCom. Hence, one of the reasons why we are taking this much effort to ensure that we're putting our best foot forward.

At the close of the nomination process, which ended Monday, we had a renomination of Scott McCormick for the large business seat. He was nominated by Steve DelBianco and was seconded by Vivek. For the small business seat, we also had a renomination of Tola Sogbesan by Tim Smith. He was seconded by Yusuph and Waudo of AfICTA.

So, for this reason, we will be giving the next 15-20 minutes to the entire BC membership to interact further with both candidates just before the polls are open for tomorrow. We will have about a week to run the remaining part of the election, and we want to encourage, because there is also a charter-wide requirement that people who will be eligible to vote have to be financial members, we want to encourage the broader BC membership to, within the short time we have—possibly today into tomorrow—pay up dues for those who still have that outstanding so that they could join this process.

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At this point, I would give a few minutes—about two or three minutes—first to Scott and then to Tola to introduce themselves and to speak about their work on the Nominating Committee before we open up to members for questions. Scott, over to you.

SCOTT MCCORMICK:

Thanks, Lawrence. Hello, everyone. Thanks for attending. Both Tola and I have been serving on the NomCom this year, and it has been, as I mentioned to Steve, an eye-opening experience with a lot of members that I've been familiar with but a lot of members who have known from a distance throughout the ICANN community for many years. In doing so, I will say that it is very apparent to me that we've had our two seats under fire for quite some time now, but with the interactions with the team, it's very clear that there's a power imbalance mostly against us. So you have the Contracted Parties House. You have the ALAC members. We represent two seats, really, that represent all of the business from a non-contracted party's perspective.

So I'll leave it at that and open it up for any questions.

LAWRENCE OLAWALE-ROBERTS:

Thank you, Scott. Quickly, before we open the floor for questions, Tola, I want you to introduce yourself and your opening remarks.

ADETOLA SOGBESAN:

Good afternoon, good morning, good evening, everyone. I hope you can hear me okay. [inaudible], but I'm just trying to manage the network.

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First, I want to thank the BC and the members that nominated me for the current NomCom representation. It's been an interesting experience coming off service on the ATRT3 nomination that I represented the BC. Following that, I was privileged to be nominated to the NomCom as well. It's been an experience that is very important following on the work of Paul and Lawrence.

As Scott and I have been able to focus on the most important part of the ecosystem, which [as matters to] people coming onto the Board with the pedigree that meets both the requirement of the Board or the SOs and ACs that [had the vacancy.] It's been an interesting experience. [inaudible] to see candidates that come, on my part, from small businesses that came up for representation. And we've seen quite good applications from small businesses.

So it's very encouraging for me to ensure that those coming from small businesses are supported in terms of defending the process, why they advance in their applications. And it's been a good one. If it pleases the BC, I will be pleased to continue the representation. Thank you.

LAWRENCE OLAWALE-ROBERTS: Thank you very much, Tola. Tola touches on a very important aspect of the work of the Nominating Committee, which is ensuring that there are credible candidates, especially from business, at the top function of the ICANN ecosystem.

At this point, we want to open up the floor to questions from members. If we have members here who have a question for Tola or Scott, kindly

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raise your hand and we will yield the floor to you. You can also post your questions in the chat and we will have it read out.

I see Steve's hand up. Steve, over to you.

STEVE DELBIANCO:

Thanks. Scott and Tola, thanks for representing us. My question is very specifically with request to retaining the BC's dual representation on the Nominating Committee. So I'm going to ask each of you to explain your perception of why the BC's second seat is being challenged and then specifically what you will do if reelected to ensure that the Nominating Committee colleagues and the rest of the ICANN community are aware and appreciate the small and large business role that the BC has. It's time to put on your salesman's hat. It won't be enough to just be effective. You're going to have to find a way to communicate the value and effectiveness of having two seats. You can communicate, of course, to the BC, but you're going to need to find a way to communicate so that we can preserve, in a different fight, preserve the two seats. And we need your help for that. Thank you.

SCOTT MCCORMICK:

Thanks, Steve. I'll take a stab at that. Obviously, small businesses operate very differently than large enterprises and have very different objectives when it comes to what their prerogatives are and how they operate. Even in the BC, I've been involved with very small companies as well as very large companies and how I look at things different from one to another.

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So, now being in a large company, I think there's an economic influence there from larger companies. I realize my company, Reciprocity, isn't a Fortune 500 company. At the same time, we are a large, multi-million-dollar-revenue-generating machine.

So when it comes to interacting with the members of the NomCom, we end up seeing a lot of big players in that industry. So I think, across the board, having somebody that can represent the large enterprises as well as the needs of the small businesses ... Especially as look across the globe, there's a lot of ... We keep doing outreach, obviously, to try and bring in new members, but I think, as we continue to grow our membership across the globe in different regions, we can obviously have more influence in different parts of the world as well. And within NomCom, those two seats, with Tola being in Africa, he's recruiting from a different group of people than myself or someone from Europe or any of the other members. So I think we're looking at it and bringing in numbers from those regions that are enterprise- or small-business-focused, versus ALAC and the Contracted Parties House, which very much have their agendas and make it be known.

LAWRENCE OLAWALE-ROBERTS: Thank you. Tola?

ADETOLA SOGBESAN: Thank you. First, it's been a bit ... In the NomCom, we're not discussing whether we need to change what the new bylaw is bringing, whether we need to maintain it or not. But from experience, what we've found is there is no way we can make do with the BC having one representation.

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From what we have seen, we have ALAC, for example, that has more representation. And most of the contribution that members from ALAC make on the NomCom favors ALAC in the interest of the users, mostly. When we consider applicants, what most members from ALAC always consider is, what is the interests of the users?

So, to assist, or to continue to maintain the relevance of business, we need to maintain those two seats, where we have a member that is looking at the interests of large business and, at the same time, looking at qualified, credible—in terms of diversity, in terms of technical experience, in terms of [both] management experience, in terms of the leadership experience ... And because members of the BC coming to the ICANN Board or SO/AC leadership have been in business, this has made them to understand most of leadership. Business has made them to know how to relate to customers, how to relate to the technical aspects of the business, how to run finances, how to file taxes, how to relate to staff, team playing, leadership, motivation. And that can easily be brought to SOs or ACs leadership or the ICANN Board.

So it's very important if we maintain both the large and small seat and, to a large extent, has been, from my large observation on the ground ... But what I observe is not many of our colleagues on the NomCom are supportive of that because, even though question doesn't come up, we can say from body language and such things, people would rather prefer that only one representation come from the BC.

Why? Because in some of this conversation, one of the things that is very interesting to the BC is configuration on the Board, for example, where we feel the GNSO needed to have one more seat. And their

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conversation around that is going toward the fact that there's no need to change the current configuration of the Board. And yes, we're not supposed to be speaking on behalf of the BC, but we're supposed to represent both the large and the small business. And those of the conversations that we've been having.

Going forward, I hope, at some point, most of these people will see reasons and see why it is important, not only the interests of the business but in the interest of the ecosystem at large. Thank you.

LAWRENCE OLAWALE-ROBERTS: Thank you, Tola, for that. Thank you, Scott. I don't know if Steve has a follow-up.

STEVE DELBIANCO: Yeah. I would like to know specifically, though—you can cover this in your next answer if you wish ... But tell us how you will convince your colleagues on the NomCom that you're working harder to recruit and then conduct interviews, conduct discussions, with candidates for the Nominating Committee, where each of you take turns, saying, "From a large business perspective, here's a question I have." Or Tola would say, "From a small business perspective, I'm really concerned about this, so my question for you, candidate, is the following."

So I'm encouraging you to promise us that you will do your best to distinguish yourselves so that you're not seen as identical for business, that you're different, and that you raise your game for the next year, since it will be your performance on that NomCom that we will need to



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point to, even though it's all done in private. We will need to know that the other members of the NomCom know that you guys have a distinct perspective and you're working your asses off to show the value—double-value—from the business community in the next year. If you don't succeed at that, I don't know how we're going to preserve two seats after this year. Thank you.

LAWRENCE OLAWALE-ROBERTS: Scott and Tola, you want to quickly address that before we go to the next question from Jimson?

ADETOLA SOGBESAN: I [partly] agree with Steve and is very instructive, but as, Lawrence, you will be familiar with the experience, as Scott and I incidentally were first timer and, yes, I can broadly say, even for first timers, we both belong to about five different subcommittees. The two of us belong to the same, and there are two or three that we both belong to separate ones. We cannot head because it's our first time. The convention is to allow a returnee to be head of the committee.

But I can say with all modesty that the two of us have been able to put up a few debates that seem to say, if at the end of the day, if anybody is going to be taking a look at contributions, you'll probably look at what we've said to be representative [inaudible].

Now, how that pans out with others may be different. Our contribution is on one hand. And how people take them is secondary. But I can say,

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with debates, with contribution to subcommittees ... For example, coming out with questions—

LAWRENCE OLAWALE-ROBERTS: Sorry, Tola. Let me stop you there.

ADETOLA SOGBESAN: [inaudible] questions were completed for interview. There was some contribution I made that they were able to change a few wordings of that. This was the first time I was on the committee. And I know there was a particular day that Scott made some intervention that we are to change course on where we were headed. So if I were to look at that, I can say, yes, we've made some good contributions, but we can do more. I hope very seriously that, by next year, we'll probably be able to do more.

One thing I want to say is there are some challenges. Not having face-to-face meetings brought some challenges. So some body language cannot be felt because we're just using Zoom. The number of sessions increased. Timing increased. But then, if we were able to have face-to-face meetings, perhaps more interactions and face-to-face body language would probably have been more effective. But we are restricted to Zoom meetings and exchange of e-mails. We'll try to step it up next year, hopefully, and we'll be able to improve on our representations so far.

Scott, I don't know if you have something to add.

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SCOTT MCCORMICK: Yeah, I agree. It's definitely been challenging, obviously, with it being virtual.

Also, as Tola mentioned, there's been a lot of ... With these different subcommittees, I think we've both contributed and continue to contribute. There's several issues that I've seen that could be improved upon as far as process as well as selection. Processes [fails]. So those are all things that will happen in the next month or two after we do the interviews and selections. But there's definitely still more to come this year, still, with several of the subcommittees. And we're moving into interviews, actually, next week. So there's a lot to be done over the next several weeks.

LAWRENCE OLAWALE-ROBERTS: All right. Thank you very much, Scott, for that. Jimson, you have the floor.

JIMSON OLOFUYE: Okay. Thank you very much. Two quick questions to you. One, are you doing anything offline relating with your colleagues or tools that you think could be relevant to the issue? Are you having offline discussions with them to ensure that the two seats remain? Are you doing any form of lobbying offline?

Number two, over the past one year of your service, have you observed whether we have enough business user representation or nomination? And if you don't have, are you advising maybe—what do you advise that

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we do so we have more nominees that come from the Business Constituency or business users generally around the world? Thank you.

LAWRENCE OLAWALE-ROBERTS: Thank you. Scott and Tola, just before you take that question—those are two questions; what you’re doing offline and what's your observation about the business leaders that we have applying and getting onto the Board—please take note of that. I’d like to take Waudo’s question so that you treat both questions at the same time. Waudo, can we have your question?

WAUDO SIGANGA: Thank you, Lawrence. First, I’d like to thank Scott and Tola for the service that they’ve given for the BC in the last one year.

I have two questions for them. Any of them can answer or both if they want to. The first one relates to ... I think it’s a follow-up to what Steve was talking about: communication. I’m just wondering, is it not possible for a representative on the NomCom to be giving some periodic reports to the BC about the activities that are going on there? I think, in the past, this used to happen. So I don’t know. Over the last one year, I have not been seeing periodic reports coming from the NomCom about what’s going on there. And by “reports,” I don’t mean the confidential information that they discuss there—but just general overviews of what is going on there. In case there are any issues, maybe the BC members could be able to chip in and help resolve. So that’s my first question.

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The second one is a specific relating to the councilors that the NomCom sends to the GNSO Council. There's normally a third councilor that is sent there who is not allocated to any of the houses and also does not vote. So [inaudible] from our two representatives, is there a rationale for this, and do you think that this should be changed or should we continue that system where there's kind of a lame duck councilor that is sent to the GNSO Council that does not vote and does not represent any of the houses? Thank you.

LAWRENCE OLAWALE-ROBERTS: Thank you very much, Waudo. Those were very beautiful questions to Tola and Scott. I'd like to you know that we have just less than five minutes for this particular segment. So please go directly to the point and make your interventions brief. Thank you. Any of you could take the floor.

SCOTT MCCORMICK: Thanks for your questions. Waudo, you bring up a point that I hadn't even thought of about reporting back to the BC, but honestly, I know that, because of the confidentiality that we're under, there isn't much we can really say about. I mean, the process is the process, right? There was the NomCom review that happened recently, and obviously some changes took effect, but other than that, we can't go really into any detail. So it's just part of the NomCom process.

So I don't know, Tola, if you want to add anything to that.

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ADETOLA SOGBESAN:

Thanks for the contribution. You just said there are two ways to look at it. First, the two people we replaced. The first is we didn't see them doing that and, by the time we came in, I actually thought of that because, when I was in ATRT3, I used to give periodic reports. What Waudo said was actually meaningful because, each time I made that report, I got some feedback that was useful for me to take back to ATRT3.

But this is a different ballgame. For example, we can come back and speak about the confidentiality of the candidate on one hand or the process that may likely take place. The process is the process. There's a procedure that we'd follow. There is the agreement we have signed to at the beginning of the assignment. So even though I feel, "Are we supposed to make contributions?" I notice that there is no room for us to do that.

But going forward, I wouldn't mind if there's a guideline that the BC would like to put and say, "Okay, these are the ways we can go about without breaching the confidentiality agreement that was signed." And that's on that.

On the second one, on the GNSO, the procedure for allocating seats, the procedure for appointments, is spelled out. So the NomCom cannot change. The only thing that has been defined this time around was that sending two people to the GNSO has now been spelled out: Non-Commercial Party House and Commercial Party house. Before, it was the Non-Contracted Party House—it was not spelled out. So, sometime, they ended up sending two similar people. But now it has been spelled out. So I think that's as much as the NomCom can do. It

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can't influence the configuration that has been spelled out by the GNSO Council.

I don't know if Scott will come in before we take the remaining two questions.

LAWRENCE OLAWALE-ROBERTS: Sorry. Before we wrap up, don't forget there was a question about your offline interactions to influence the continued maintenance of both seats and what you're doing to get business directors on the ICANN Board. Anyone want to speak to that?

SCOTT MCCORMICK: Yeah. I know we've got a minute left here, so real quick. Yes, there's been some really good candidates, actually, from the business world—non-contracted parties, non-ALAC members—that have come through the pipeline, although I will say there's been [inaudible] junior members as well that have been of concern. So they may or may not realize what they're getting into. So I think Tola and I can do also a better job on recruiting better candidates when it comes to business users. Some of them come from us. Some of them have come from other resources. So I'll leave it at that.

LAWRENCE OLAWALE-ROBERTS: Thank you, gentlemen, for—

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ADETOLA SOGBESAN: I want to take a step further from what Scott just mentioned. I think maybe [the very first] beginning of the best we can do is the outreach we made to the BC. I remember we made outreach to the BC first to encourage as many qualified candidates as possible that could apply for leadership positions. That is the first thing.

The biggest role we can play is trying as much as possible to convince our members to send credible people. Once applicants are sealed, it's a bit difficult for us to now influence—

LAWRENCE OLAWALE-ROBERTS: Sorry, Tola. Let me stop you there.

ADETOLA SOGBESAN: [inaudible] because what we now have at that point is judging everything based on merit, except of course when it comes to discussions on some specific candidates. I remember in one instance I was asked to—

LAWRENCE OLAWALE-ROBERTS: Sorry, Tola. Tola, are you there with me? Can you hear me?

ADETOLA SOGBESAN: [inaudible] trying to advance some points and others feel that, no, it's not supposed to be like that.

So the very first point I want us to take a look at is that, any times there are vacancies, would you please discuss with us to ensure that we have



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good representation in the application pool? Then, from there, we'd be able to assist in trying to get as much as possible how many of them we can take on board.

Now, concerning Jimson's question about engaging offline, yes, like I've mentioned, having a face-to-face meeting would have been easier. We'd be able to understand and interpret body languages better. I'd be able to understand the perspective others are coming from. E-mail, for two reason, I personally try to avoid as best as possible because there is confidentiality in what we do and I wouldn't want any of our conversation to be in black and white. If I hold offline conversations with someone, it's much easier for [us] than for us to have e-mail conversations that are on record.

And as Scott will remember, there was a case of a candidate that was turned down. Good candidate, in my opinion, but the guy had something against him because, in one of the correspondences they had, it was in black and white and it was used against him, regardless of the quality or the merits of the conversation.

But, going forward, I will take a cue from the BC. We can be guided on how best to tackle this issue in the coming year. Thank you.

LAWRENCE OLAWALE-ROBERTS: Thank you, Scott, and thank you, Tola, first of all, for the time you put into this for the first year and putting your foot forward for another run. Due to time constraints, we have overshot our time by three minutes. Apologies to BC members for this. But, going forward, I'm sure that still would have opportunities to interact with both Scott and Tola.

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I just want to put it on record that a previous NomCom member has come forward to brief the constituency on happenings around NomCom. We are not permitted to talk about the candidate, but everything else you definitely can share with your constituency, especially the constituency sending you forward. And definitely we've had the parties doing this in the past. So we want to encourage both Tola and Scott to do this. And you can always liaise with me any time you want to provide an update to the full BC constituency.

Mason, I'm yielding the floor back to you. Thank you for your patience.

MASON COLE:

Thank you very much, Lawrence, for leading that discussion. And thank you to Scott and Tola for answering questions from members. We look forward to the election process and to getting Scott and Tola to return back to the NomCom. And I assume that Scott and Tola both would be willing to answer questions from members over e-mail were that to be the case.

All right. Thank you very much, everybody. We're on Agenda Item #3 now, which is the policy discussion which usually eats up most of the time that we have. So, Steve, before we start, just a quick change to the agenda. When it comes to the NIS2 discussion, we have Nik on the call, and he's prepared to give a pretty update. So you might want to call on him when it's time for that. There's some good news to share. So, Steve, the floor is yours now for Item #3.

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STEVE DELBIANCO:

Thanks, Mason. Putting it up right now. This is the policy calendar that was sent to all of you yesterday. Anyone who doesn't have it, write to Brenda. She can forward it immediately to you. On this particular calendar ... I'm going to make sure I watch for hands going up and for chat. Let me open that up as well. Okay. Since our last call, we had only one updated comment. It was our July 2<sup>nd</sup> posting on ICANN's North American engagement plan.

John Berard, and you and Tim Smith did a great job reflecting the BC's perspective on an engagement plan. I mean, ICANN puts these things out and expects that everyone is going to check the box, but you guys represented and I'm so grateful for this. You represented the BC's perspective in trying to get North American businesses engaged who don't want to see all of their input overwhelmed by the contracted party. And I believe that those perspectives are perfect for there. And I thank you for that effort.

In terms of open public comments, we have two right now. One closes next Monday. I'm sorry for all the sirens. I'm in Washington, D.C., where ridiculous but important people have to be shuttled around with sirens and motorcycles. Sorry about that.

Okay. Back on. So on Monday, we'll be filing our report on the EPDP Phase 2A initial report. Now, Mark and Margie represent us on there. Lots of help from Alex Deacon, Brian King, and myself. And this initial report is all about guidance. There's nothing mandatory in here, no requirement for the contracted parties to do anything or for ICANN Org to do anything. We're disappointed in that. We've shared that with you many times before.

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But this is our opportunity to register very specific concerns that we have and for all of you to get your businesses to file comments by Monday. And they could be brief comments that simply pick up on or amplify a few of the things the BC has said. It is relatively easy for you to cherry-pick one or two of the questions in the seven-page questionnaire and put it in your own words. You could file that on behalf of your own company, but please do so before Monday.

I want to have a big thank you to Barbara Wanner who, while not following this very closely, did a great job picking up on Alex Deacon's original organization to do a BC comment draft. And the Mark Svancarek also did a number of edits to that.

So I'm going to put into the session here a copy of the document I circulated. It's our current draft. Again, this is due in just three-and-a-half days. Barbara, Margie, Mark, Alex, Brian, this is your chance to ask your BC colleagues for help revising this document or for extra input you seek or to maybe even seek BC member approval for anything you consider a little bit controversial and edgy.

Barbara, I'll turn to you first. Anything from you?

BARBARA WANNER:

Excuse me. I was on mute. No. I highlighted specific areas where I felt it would benefit from expert commentary and member input. I don't know whether you kept those highlighted items in this draft, Steve, or did you delete them?

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STEVE DELBIANCO: Good question, Barbara. There are highlights. You'll see on the screen right now the first one here. They're showing as if Mark Svancarek did the highlighting. And I can't tell whether your highlights were addressed by Mark. But all I did was take Mark's mark-up, and that's what I circulated.

BARBARA WANNER: Okay. All right. Fine. Now, there are just several ... When they drill down and ask very specific questions—I think people will know that and understand that—that's where ... yeah. Okay. So where Mark has provided ... There you see where I have it in bracket: "Need BC experts' help." Those are peppered in a few places throughout this draft. And I think the final product would be enhanced if people could just chime in with their thoughts.

STEVE DELBIANCO: And, Barbara, underneath each of your bracketed "need help" statements, there's a brief statement entered by Mark over the weekend. And I think Mark knows it pretty well.

BARBARA WANNER: Right. Okay. So [inaudible]

STEVE DELBIANCO: Right.

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BARBARA WANNER: Yeah, if anyone wants to build upon Mark's comments, that's great. Otherwise, I have no further comments. This is really in the hands of the experts now to polish.

STEVE DELBIANCO: Hey, Barbara, thanks again for starting it off.

Alex Deacon, will you be able to spend a little time in the next three days on enhancing some of the detail that's in here?

ALEX DEACON: I'll take a look at Mark's input but yield to Mark and yourself and Margie, as you're on the front lines. But, yeah, I'll be able to take a second look at add any thoughts that I have.

STEVE DELBIANCO: All you need to do—thank you, Alex—is take the Word doc I attached. You can update that and send it back to the entire BC. And by Monday, I will copy and paste the BC's comments over and I'll create a PDF version of what you're editing right now.

Looking for hands for comments in the chat. Is there anyone else who has information to contribute to this?

Okay. I'll go back and share the policy comment and pick up on the next item. Thanks again, Barbara. The dot-aero-sponsored top-level domain for their aeronautics and airline industry is up for registry agreement renewal. We have until the middle of August for these comments. As

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was the case for dot-coop and -museum, the proposed aero agreement picks up some of the provisions from the base registry agreement—things that we like, like public interest commitments and the implementation of RDAP, now that WHOIS has blown up.

And I wanted to note that we can relax because dot-aero isn't trying to change itself from a sponsor to a non-sponsor the way -museum did. Aero is maintaining its sponsored TLD. And that means that it's only for registrants who fit the eligibility definition for the aeronautics' interests and aeronautics industry. I think that, for that reason, we're going to be fine with it.

We did a comment for dot-jobs, who similarly maintained its sponsorship in November. Zak Muscovitch put together a super comment on that, mostly reinforcing the need for sponsored delegations to stay that way.

So, Zak, I'm looking at you as to whether you think you can rise and repeat on the dot-jobs comment to put a draft together for dot-aero.

ZAK MUSCOVITCH:

Hi, Steve. I've never seen a dot-aero domain name, but I have flown on an aeroplane. So I'd be happy to volunteer.

STEVE DELBIANCO:

That's right. You're an expert because you fly a lot. All right. Thank you. And honestly, it would fine if all you did was to take the excellent comment you drafted for -jobs and add the appropriate changes to make it reflect the aeronautics industry. Maybe we can take a look at the

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charter for the sTLD and the circulate it to BC comments. But we have until the middle of August on this. Thank you very much, Zak.

Does anyone else want to assist Zak on that one?

All right. Thank you very much. I'm going to scroll down to ... Ordinarily, Ben Wallis leads us through discussions of the NIS2 initiative in the European Parliament and Council of Ministers. In our last BC meeting, we were in an open meeting. So we weren't perhaps as forthcoming about the prospects for seeing a strengthened set of requirements moving their way through the European Parliament. So I believe that, with Ben Wallis going through a reassignment, we have a new BC participant who's going to be leading us on this effort. I believe it's Niklas Lagergren. Is that right, Mason?

MASON COLE: That is correct.

STEVE DELBIANCO: Okay. And Nik has activated his video and audio. So, Nik, take us through what I have on the screen, which is Ben's relatively brief discussion. But you can be as expansive as you like on the BC call. Thank you.

NIK LANGERGREN: Thank you, Steve. Perhaps it's useful just to recall where we stand first on this European Commission proposal, just so that we're all on the same page. So I would first just recall that the proposal itself, which a more general proposal than just related to WHOIS databases, is a



proposal for a directive on basically ensuring a high common level of cybersecurity across the European Union. This was issued right before Christmas by the European Commission.

The gist of it was useful in our eyes, basically, because it included a specific article devoted to WHOIS, namely Article 23. The gist of it was pretty simple. It includes five paragraphs with as many ideas, those being, first, that registries and registrars should collect and maintain accurate WHOIS databases and, secondly, that these databases should include the contact points of the holder and administrator of the domain name and, thirdly, that these contracted parties basically should make sure that policies are in place to ensure both the completeness and the accuracy of WHOIS data, that quick publication of this data should be ensured after registration of a domain name, and, finally, also that access should be provided for legitimate access seekers.

And taking it from there, basically the proposal of the European Commission was sent to what we refer to at the E.U. level as the co-legislators (on the one hand, the European Parliament, and on the other hand, the Council of the E.U., which basically represents the member states of the European Union). Right now, for the moment, we've been focusing on the first reading of this proposal, for which the lead committee in the European Parliament is the industry committee that we usually refer to by its acronym, ITRE. And there we've been lucky to see a liberal Dutch MEP being nominated to shepherd the proposal through the parliament. His name is Bart Groothius, who formerly worked on cybersecurity issues in the Dutch Ministry of Defense. So it's someone with a good knowledge and understanding of cybersecurity issues.

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And what we've seen so far is the publication of a proposal for a report which, at the end of the day, would become the legislative resolution of the European Parliament concluding its first reading. This proposal was useful and published in May—"useful" in the sense that it expanded on the issue of legitimate access seekers to insist on the fact that legitimate access seekers to WHOIS data should go beyond just public authorities, which seemed to be the idea behind the European Commission proposal, or at least a proposal. So it was a bit unclear about this.

It also included useful references to the fact that, whatever is done with WHOIS, basically one should seek to strike the right balance between GDPR privacy concerns and the legitimate purposes being pursued by those trying to get access to WHOIS.

It also included useful details that were expanding on the notion of who are the players that we're talking to in the sense that the original proposal was mostly referring to registrars and registries. But here the report from the industry committee basically pointed out that we should also be talking about domain name resellers, privacy-proxy services, and that all these players, in one way or another, also get involved in the process of maintenance and publication of WHOIS data should also be covered by the obligation being put in place by the NIS2 directive.

And also [there] was a topic where the European Commission proposal was a bit vague. It also included useful language about the fact that the minimum key data that should be included in WHOIS data should at least include the name of the registrant, the e-mail address, the phone number, and the postal address.

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So, basically, this is where we stand on this draft report from the industry committee. And in the meantime—I think that’s the good news Mason was initially referred to—a couple of committees in the European Parliament that are not the lead committees on this proposal that basically have sought the opportunity to provide an opinion on their behalf for the attention of the industry committee have weighed in. And one is a very important one within the European Parliament. That’s the Internal Market Committee—the IMCO Committee, as its acronym goes. They just voted on their opinion, which will now be submitted to the industry committee. And it’s useful because it was adopted by a wide majority. More than 95% of its members voted for it. And it reiterates the industry committee points that I just made before. It also insists on the fact that there should be a 24-hour deadline between registration of a domain name and publication of the data after registration. It also points out that it considers that replies to WHOIS requests should at least be catered to within 72 hours after the initial request.

So all of this is to say that we’re seeing, being developed here—the first reading of the European Parliament—a useful set of ideas that basically seek to improve and strengthen what is in our eyes already a useful proposal from the European Commission.

So the next steps here in terms of timeline is that the industry committee’s—the committee where Bart Groothuis, the Dutch liberal, is the main rapporteur—intention to vote on their final report on behalf of the European Parliament in October of this year. So after the summer break, we will see quite a lot of work on this. MEPs from various political groups will try to find common ground and develop compromise amendments, and then they will vote on their final report in October,

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which will then be forwarded to the plenary of the European Parliament in December. And we should have—that’s what we predict—a concluded first reading of the European Parliament before Christmas of this year.

In parallel, the proposal is also being vetted—that’s why I referred to co-legislatures—but a working group of member states’ representatives at the council. They’re also advancing on this, but they have focused much less on Article 23 and WHOIS than the European Parliament has. And what we see happening here is negotiations that are likely to start after the conclusion of the European Parliament’s first reading before Christmas, probably at the beginning of next year. Hopefully, we’ll be able to shepherd this towards a result that could have a real and positive impact on the ground when it comes to the difficult situation we are consistently facing with the contracted parties at ICANN.

So I might have given a little bit too many details here. I’m open for questions. But that’s the status of where we are right now on this [file], Steve.

STEVE DELBIANCO:

Nik, thank you. I would ask whether you would be able, over the weekend, to open that document that I spoke of earlier with Alex—it was the attachment on our EPDP Phase 2A—and you fly through there—it’s only a few pages long—and look for places where we can add documentable, citable evidence that NIS2 has significant momentum and it is going to require legal and natural differentiation and it will require publication within 24 hours. And I don’t want you to speculate. I

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just wanted you to try and be factual so that, for instance, the 90% vote—I believe you said it was IMCO where the 90% vote occurred ... That’s fantastic and I would put in there with a citation to the minutes of the meeting. A little bit of evidence will go a long way in this document. It’s something that wouldn’t take you very long at all to add, but it has to be publicly citable information as opposed to insider knowledge.

And I wanted to highlight for you that, last Thursday, Keith Drazek, who’s the Chair of the EPDP Phase 2A, and ICANN staff called upon Margie, Mark, and I to have about an hour discussion on how we could break the log jam on this Phase 2A initial report. Margie—Mark was unable to join—focused mostly on process issues, the way the report was pushed to the last minute, that consensus is being represented in ways that aren’t there, and that dissenting views were being respected.

I, on the other hand, Nik, focused hard on the idea that NIS2 is going to happen, that once it’s adopted by the European Parliament, there’ll be a transposition by a country by this time next year, and that that points to the need for something more than just guidance but that ICANN should want to embrace NIS2 the way they embraced the GDPR.

So the evidence you provide in that report will be essential for us to continue to drive the outcome here. The outcome is that the EPDP Phase 3 should automatically begin upon the European Parliament approval of elements of NIS2 that [e]ffect policy. I’m trying to trigger an automatic restart so that new policy has to get developed.

Now, we’re up against it there because, if ICANN’s current policy permits a registrar to comply with NIS2, ICANN is going to say, “Well, we’re not

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forcing anybody to break the law. They're allowed to comply with NIS2 if they think it's applicable to them." We would prefer that ICANN change its policy so that they force all contracted parties to be compliant with NIS2, and that is a big lift. We'll have to cross that bridge, perhaps, after the process restarts.

I see a hand up. I'll let Drew weigh in and then let Nik respond.

Can't hear you, Drew.

DREW BENNETT:

Thanks, Steven. I'm not sure if my video is gone—there it is. To that point—I was going to dig into that document, the comments, for 2A that you just mentioned—Nik mentioned the compromise amendments that were just adopted and [Comments 20 and 23, to] just review Paragraph 4, is, "Member states shall ensure that TLD registries and entities providing domain name registration purposes make publicly available without undue delay. And in any event, within 24 hours after the registration of a domain name, all domain registration data of legal persons as registrants." And the legal persons as registrants was actually added as part of the compromise amendments. And I think it's just one line—and I think an important one—to those comments to show the expectation, at least, of European policymakers of the ability for TLD registries and registrars to differentiate legal persons. So that was one I was going to throw in and work with the drafting team to figure out how we cite that compromise amendment specifically.

I think that speaks exactly to what you're getting at, right?

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STEVE DELBIANCO: It is, Drew. And since it's due in four days, you should do what I asked Nik to do: open the document, make edits to the document. We had been using a Google Doc, but too many of the companies are unable to do that. So you open the document, make your edits, and hit a Reply All. Then I will take charge of reconciling all the edits together for Monday's submission. Thank you very much.

DREW BENNETT: Great.

STEVE DELBIANCO: Anything else, Drew?

DREW BENNETT: One other brief thing. I think we're going to talk about outreach that Nik and Mason are going to come back to everyone on in the form of a BC communique to Groothuis, the parliamentarian he mentioned who's leading the effort—the Dutch parliamentarian.

In addition, I want to encourage BC members to find other direct and indirect lines to members of Parliament, and not just in these next two weeks before everyone goes on vacation there but for the next year, probably 18 months. And that could also be, in particular, or our members who are of differing European nationalities who could probably better engage with, for example, their GAC delegations who have counterparts in Brussels who therefore have direct lines to MEPs.

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So Mason and I some others are going to draw up and then circulate some talking points, which will largely be drawn from the communique I mentioned, just to make sure that, for anything that BC members want to do on their own, they've got the arsenal of information that will make it consistent with what the BC is going to say on this.

And I'd also highlight that, from the period of January to June of 2022, which will be a key time for this, France is going to take over the presidency of the Council of Ministers—so, in particular, any of our members with lines to French MEPs and to the French delegation. That'll be very helpful during that time.

STEVE DELBIANCO:

Thanks again, Drew. And, Nik, back to you. Anything else?

NIK LAGERGREN:

I totally concur with what Drew has been saying, but just for the sake of completeness following your questions, Steve, we will of course look at this document and make sure to fill it with the additional elements that are required because what has been disturbing so far—you've experienced that on a much closer basis than I have—is the bad faith we've felt from contracted parties that, of course, are entitled to claim that, for the moment, all of this is just politics and that, in a sense, the NIS2 directive will only matter in practice once it's really finally adopted. And that will probably not happen before the beginning of 2022.

But as you mentioned, Steve, when you look at the kind of majorities that are shaping up—for instance, within the Parliament, a 90% vote in



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IMCO—it gives a good idea of what will happen eventually. So we'll try to capture that in amendments to this document.

And, also, if I have time for one more comment, I think, more generally on this purpose, one thing that we might have to convey at some stage, if we really want the NIS2 directive to be a gamechanger on the ground vis-à-vis the contracted parties' current stance of basically doing nothing, at some stage we need to convey the idea to decisionmakers at the Parliament and at the council that not only does this instrument need to bring forward in no uncertain legal terms the issues that we've mentioned here—publication, verification, accessibility, and accuracy—but I think—this will have to be discussed within our drafting team—we might also want, at some stage, to include in the mix a solid reasoning as to why at least some elements of WHOIS serve a public interest purpose when it comes to cybersecurity and the kind of public interest purpose that is actually provided for in Article 6 of the GDPR. That's put you in a situation where the need of cybersecurity basically trumps any GDPR concerns. And I think having this at some stage in the mix would be great, but this will of course be up for discussion within our drafting groups in the weeks to come.

STEVE DELBIANCO:

Thank you, Nik. Any other hands up?

Thank you very much. Next item in our list is turning it over to Mark Datysgeld and Marie Pattullo, our councilors at the GNSO Council. I have hopefully reflected all the things that you wanted to have on the

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agenda. Just let me know if you need me to click or scroll. Marie and Mark.

MARIE PATTULLO:

Hi, Steve. In the interest of time, we'll keep this quick. I am extremely glad that we are actually going to get an accuracy scoping team, at the risk for repeating myself for about a decade, I feel. It's actually happened. The motion is there. Read it. if you want to know details, obviously let me know.

But what we have is an agreement that, at next week's council meeting, we have a set of instructions that we are going to give to the scoping team that is going to be a call for volunteers coming out. Susan, as you know, has already come forward from the BC. We need one other. One other person did semi-volunteer—[Tulba] (not Tola but Tulba)—and we'll be pushing on that because we really do want you there.

There will also be a call for a chair, if anybody is interested in that. There'll be two members per SG and C, apart from the registries and the registrars, who will have three each because of their business models. Again, it's all in the motion that ... Actually, it's not. Everything is in the motion. If you actually want the scoping team instructions, I will send them to Steve. I just realized they're not here. I will send them to you. Then you will have them. But I'm very, very pleased it's going to happen.

We are having a discussion about the ODP. This is Janis, who is the liaison between the council and the ODP, who's going to report back to us on what the ODP is doing.

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Now, you know that there was a webinar about that a few days ago, and one thing that was mentioned in there was that Janis had apparently got some questions for council, which I haven't seen. So I asked Philippe where they were, and it turns out that Janis had tried to post them to the council list, but he doesn't have permission, so we didn't get there.

Anyway, there are, I think, seven questions that I only saw this morning. I forwarded it through to the EPDP team. Have a look. If you've got any concerns, please let Mark and I know before council next week, or before, obviously. We're going to be talking about RPMs. We're going to be talking about IGO. If you want to know more, put your hand up. I'll talk to them.

In the interest of time, I really would like to get to the next point, Steve, because this isn't really for me, I think. This is for you to lead. But, again, this came out of the webinar: that the ODP team—staff or whatever their official name is—mentioned a survey that they're running. Now, Steve has put the quote into the policy calendar there. On a personal level, I think this is incredibly important for BC members to answer.

But at this point, Steve, I'm happy to take any questions. I'm obviously going to hand it over to Mark in case I missed anything but would really like for you to highlight a bit more about this survey, if possible. Thank you.

STEVE DELBIANCO:

Marie, the SSAD usefulness was something ... We claimed it would not be useful it were implemented the way they were suggesting. Alex

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Deacon was the most articulate member of our team on that. And it was one of the reasons we didn't support the SSAD as planned.

So are you suggesting that we should weigh in on the survey in order to just make that point once again?

MARIE PATTULLO:

I'm suggesting that weigh in on the survey to make sure that they don't do their usual accounting of how many people answered as opposed to what the answers were. And what I mean by that is that we know, with all the public comments, including surveys, that 150 people agreed with A because nobody who had the view B actually responded. And that's what concerns me.

STEVE DELBIANCO:

Okay. So I've just opened the questionnaire. You'll see it's only got seven questions. Very simple stuff like, "In what jurisdiction? What is the average number of requests that you made?" So this is a bit of a trap here. If we don't indicate that we do a lot of requests, they'll claim there isn't any demand for SSAD, whereas our point is that we make a lot of requests and, because the SSAD would not require timely, mandatory disclosure, we didn't believe SSAD would solve the problem. But the trap here is that, if we don't respond and give them some numbers, they'll claim there's no need for anything to be done. This is what I'm sensing here.

So Questions 1 through 3 are really important. You might say, on Questions 4 and 5 on the screen in front of you, "I don't think I will

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unless it's a very fast and required response." And I honestly believe this is a trap. And there doesn't seem to be that much for us to do. There's a handful of demographic-type questions to answer, like, "What is the nature of your entity that you represent?"

So when do you think this is due, Marie?

MARIE PATTULLO: I'll have to go and have a look at the form, Steve. I don't remember. It's soon. While you are taking forward whatever is next, I will go and have a look online and find out.

STEVE DELBIANCO: Yeah, please do. And then what you and I can do is—

MARIE PATTULLO: Doing it right now.

STEVE DELBIANCO: Thank you. Then you and I will circulate a follow-up e-mail to the whole BC membership with a very specific link to this survey and to ask people to complete it by when it's due. Thank you.

Mark Datysgeld, I want to turn over to you while we're still on council for anything you'd like to add.

MARK DATYSGELD: Testing audio. Can you hear me?

STEVE DELBIANCO: I do. Thank you.

Yeah, go ahead, Mark. We hear you.

MARK DATYSGELD: [inaudible] problem. Okay. Maybe [inaudible] to me now?

STEVE DELBIANCO: I hear you now. Go ahead.

MARK DATYSGELD: Perfect. So in terms of council, I think that the big thing we are about to embark on really is the IDN EPDP question. This has been heating up. At first, in my opinion, it wasn't as overblown as it is right now. There have been a few councilors in particular that feel very strongly about this. Their concerns are definitely valid. So this is said to be a little more intense than at least I imagined at first.

So I would like to suggest that everyone within the next few months catches up with the IDN EPDP discussion because this is probably going to be reasonably substantial. This is possibly something that's going to, I don't believe, take the same amount of time and scope as the current EPDP is taking, but it will be a little deeper than initially it could have been. So that's that. We'll talk more about this soon because we haven't kickstarted it for real yet. So that's Point 1 that I would like to talk about.

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And the ODP (Operational Design Phase) as well is on the radar but not really that active yet. Of course, a lot of discussion is taking place. You all have probably been following the SSAD question, but at the same time, in terms of the structured discussion that we really need to have, I don't think it's there yet. So I think we're looking at a bit of a transition right now on the council in terms of what we're discussing, what the substantive discussions will be, but definitely it will heat up now for the second semester.

I'm not entirely following the RPMs as much as I was before, so I can't say much about that. But I will definitely try to catch up as this matter comes back into focus. So, from my side, I particularly think that we will start to see a lot more action within the next few months. So, for now—

STEVE DELBIANCO:

Mark, right after the call, I'll circulate a request for BC members who do WHOIS queries to quickly fill out the survey. I may send it to NetChoice members. And I would ask you to tap into the South American and particularly the Brazilian business community that you do work in, since any business that tries to protect its customers or its business is likely to have done some queries. And getting more people to fill this survey out is vital. And as Zak said in the chat, a company that only does two queries a month on average is vital. If they're able to indicate in the survey that those two queries to be necessarily to stop a denial-of-service attack or an existential fraud risk, they could affect tens of thousands of consumers. So it's important to get multiple entities to contribute on the survey. And it closes on the 22<sup>nd</sup> of July.

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And the same thing is true of all BC members. Tap into your networks—Waudu, all of the African ICT networks that you and Lawrence are part of. We're going to need to generate some responses.

Go ahead, Zak, with your question.

ZAK MUSCOVITCH:

Thank you. Just regarding that item (#6) on the agenda—the staff's review of all rights protection mechanisms in all gTLDs/RPMs—I understand that council has been presented with a proposal from staff for an approach to the rechartering, and what the proposal involves is to have an issues report commissioned by the Global Domains Division to supposedly set the stage for the rechartering. I'm wondering if you've received any sense from other council members or stakeholders on whether they feel this is the right approach or whether this is just a waste of time and delaying the actually proceeding with the working group. Thanks.

MARIE PATTULLO:

I can take that, Steve, if you want me to.

STEVE DELBIANCO:

Please do.

MARIE PATTULLO:

Thanks. Zak, it is—let me get the terminology right—a policy status report. The idea is that, because ... Sorry. Let me backtrack for those



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members who aren't sure what we're doing. Phase 2 is going to look at the UDRP. Phase 1 of the RPMs has been more or less completed. It has a ... I'm trying to find nice words here. It didn't have the best charter in the world. It was very unclear in its scope. There were many issues with its clarity and its drafting. So before getting together a work team to actually develop the charter for Phase 2, the idea was to get kind of a "where are we now?" from staff.

Now, first up, Zak, I will send you the document that we've received straight after this call so you can see for yourself. My gut reaction is I don't have that many problems with it. I think it's quite a good idea. Things have moved on from when Phase 1 was chartered. You remember that? You were still in short [inaudible]. It was that long ago. I don't think it's a bad thing that we get this properly scoped out again. I would say that, in particular with IP being my day job. I think it's important that we get it right.

That said, I agree with you that it might be a delaying tactic, but I'm not sure, in practice, it is, bearing in mind how much council has on their plate right now, and also staff. So I'm not actually sure that it is a real delaying attempt, but if I think it is, I will let you know and we will do something about it.

I hope that answers your question, and I will send you that document straight away, right now.

ZAK MUSCOVITCH:

Many thanks, Marie. And I do have the document. I read it.

MARIE PATTULLO: Oh, okay.

ZAK MUSCOVITCH: And I agree with you about the importance of properly scoping that Phase 2. And I don't expect any dramatic shift away from this approach. I think it's probably going to go ahead.

But I would just add, in case you have this discussion with any other members of council, the actual directly concerned stakeholders, such as INTA and IPC and my own organization, ICA, are much better equipped at knowing what should, if anything, be done with the UDRP than global domains, which as far as I know, have no clue because they haven't participated at all in 21 years.

So to get good scoping, I would suggest that those parties just be directly involved in it, rather than throwing it over to staff. But whatever. It will take some time. Thank you.

MARIE PATTULLO: I couldn't agree more. And I'd go further than that. I think WIPO should be involved. And the reason for that is they actually do this day in and day out and they do it not for profit, they're an IGO, they're independent—all of these words.

ZAK MUSCOVITCH: Exactly.

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MARIE PATTULLO: And if you want to know stats and data and facts and case numbers about the UDRP, to me it would be insane not to have WIPO involved.

ZAK MUSCOVITCH: Exactly.

STEVE DELBIANCO: Please make sure that Brian knows about this and that he will weigh in, Marie—Brian Beckham, yeah.

MARIE PATTULLO: Brian knows about this.

STEVE DELBIANCO: Okay. Okay, thank you very much. We'll wrap up council. Waudo is our legal to the Commercial Stakeholders Group, which is the other two constituencies in a commercial side, which will include the Intellectual Property and the ISPs. Today, Waudo prepared a very extensive CSG report. I'm very grateful for the detail he went into. It's excellent in the way that Waudo is catching us up on the full range of priorities that the CSG has embraced and how that's going to factor into the planning for the next meeting.

So, Waudo, over to you.

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WAUDO SIGANGA:

Thank you, Steve. Steve, maybe I'll use your screen. So maybe you can go right now to the CSG near-term priorities. Yes. So, as I mentioned in the last meeting that we had, the CSG is now operating on what we are calling near-term priorities. These are guiding us regarding who we should be engaging with, what we should be engaging about, and how we go about that engagement.

So right now, just in form of a summary, the current near-term priorities are, number one, DNS abuse, which as most of you know, is very important for the BC. Then number two is improving legitimate access to domain name registration data. Number three is improving the ICANN Compliance function. Number four is bringing ICANN up to date on its obligations to the community, including completion of work on recommendations from the previous reviews. And finally, number five is actively engaging in the implementation of the ATRT3 recommendations.

So we tested these five near-term priorities in our last meeting. The CSG has only had one engagement meeting since the last BC meeting. And this was with the full Board of ICANN on the 21<sup>st</sup> of June. We presented them with our questions based on these near-term priorities.

And I'd like to give you just a quick run-through of the feedback that we got back from the Board regarding the five near-term priorities. Starting off with DNS abuse, we were informed that the Board takes the issue seriously and has formed a caucus group to deal with the issue of DNS abuse.

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Org is also producing tools and data to help the community to better understand the issue of DNS abuse. Then there's also the DAAR. Org has extended the Domain Abuse Activities Reporting program so as to obtain registrant-level data about the threats. Then, starting from last year, ICANN came up with a domain name security threat information collection and reporting project because the levels of DNS abuse went up with COVID-19. So, right now, ICANN is also adding linguistic diversity to that system. The Board is also considering the portions of the SSR-2 final report that relate to DNS abuse.

So these are specific things that we were informed that the Board is doing to address the issue of DNS abuse.

What I would have suggested is that the BC also needs to go a little bit of a step further because, so far, we have just been talking about DNS abuse generally. But I think we now need to start getting to specifics and work out kind of a portfolio of specific things that we would like to be attended to or to be addressed regarding DNS abuse for our future engagements rather than just having a blanket topic of DNS abuse.

For example, in one of the review reports, there was a recommendation that ICANN should incentivize the contracted parties so as to encourage them to help to mitigate the DNS abuse. So that's just an example of one of the things that we could have on our roster of specific things that we would like to be done about DNS abuse. And we can always present this to those teams that we engage with, including the Board.

The second near-term priority is improving legitimate access and concerns over redacted data. The Board informed us that there's already

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a law concerning or covering access. The Board feels that it would be inappropriate for ICANN to impose on contracted parties exactly what they should be doing in this regard because the contracted parties in themselves are responsible for what they do to their law. So what ICANN can do is to engage data protection authorities to reach a shared understanding of what is permitted by the law.

Then we were also informed that the NIS2 directive is proof that ICANN is treating this correctly. I'm sure maybe Niklas has better information about that. I'm not a NIS2 expert. But that is what we're told.

Regarding accuracy of data, we were told by the Board that ICANN cannot check accuracy of data because it does not have a [quest] to do the data.

Then, on ICANN Compliance improvement, I think this is a question that has been raised in the past, and we seem to be getting the same answer all the time. That is that ICANN reiterates that modifying contracts to deal with the DNS abuse is something to be done by the policy development process within ICANN and not by Org.

STEVE DELBIANCO:

I'm going to guess it was Göran who kept making these points and not some other Board member. Right, Waudo?

WAUDO SIGANGA:

Pardon?

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STEVE DELBIANCO: The person making points like that was almost always Göran, the CEO, and not other Board members.

WAUDO SIGANGA: Yes. In this particular meeting, actually, Mason was speaking for us. We have changed the format, so there was one person speaking for us. But we have come up with these points earlier.

Then, on completion of work on prior reviews and recommendations—I'll tell you that should be in bold. It should be a topic on its own. The Board says that any pending implementation should be [channeled with the] new prioritization framework. And the other point they made is that the prioritization framework will be developed with community input.

Then, finally, on the ATRT3 final report implementation, there was the issue of why the implementation has not started within the one-year timeframe that was stipulated in the report. The Board says that they had actually indicated clearly when they approved the report that it was not going to be possible to start the implementation within one year. Then the ATRT3 recommendations also need to be channeled through the prioritization framework. So the prioritization framework seems to be actually everything.

Then the other information is that the pilot for the holistic review that we are waiting for will be actually a community effort. So as a community we will be informed in due process.

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Then, just to wrap up a few other CSG activities, the AGM, we have started planning for that. Right now, the ISPCP constituency has handed over the coordination of the CSG to the IPC. So the IPC would be taking the leading role in the AGM. Then also, just to remind ourselves, the BC will be taking over that coordination role early next year in ICANN72. So those of us who would like to represent the BC at that time, I think you can start showing keen interest in what is happening in the CSG because there'll be very little time for [learning cover.] It will be straight to being [inaudible] within the CSG by the BC.

There's also planning that has started on ICANN72. So far, what I know is that we shall have more or less what we normally have. That is a closed CSG meeting and an open CSG meeting. So we're working on that and we'll come back to with regard to your input on what should be included in those meetings.

There's another final issue—the issue of the GNSO chair. I don't know how important this is to the BC, but it seems to be very important to the other constituencies, particularly the ISPCP, which seems to be supporting, I think, one of their own—the current incumbent, Philippe Fouquart. So I've seen today another e-mail which is saying we're going to have a CSG meeting just to discuss this issue of the GNSO chair. So I don't know if there are any BC preferences or, within time, we can get some information from councilors. But just know that this issue is being discussed within the CSG and we would like your inputs where appropriate.

So I think that's my report, Steve. Thank you.



STEVE DELBIANCO:                   Excellent report. And, Waudu, thank you for putting it all in writing like this. It's really helpful.

Any questions for Waudu?

And we have a report on the Transfer Policy Working Group from Zak Muscovitch, but he's going to save that for our next call in two weeks. So, Mason, I'll turn it back over to you for the general agenda, having used all of our time. Sorry about that.

MASON COLE:                       All right. Thanks very much, Steve. Yeah, we're running a bit over today, so if members can indulge in a few extra minutes, that would be very much appreciated.

Looking at the agenda, we would go to you next for an operations and finance report. Can you be very brief, please?

LAWRENCE OLAWALE-ROBERTS:   All right. Thank you, Chair. We currently have about 40 members of the BC that have redeemed their dues for FY'22 out of 63. So we've gone halfway. I want to encourage members, especially who might be having one challenge or another, to reach out to myself or [invoice@icannbc.org](mailto:invoice@icannbc.org) for any assistance that may be required.

We have about three members who have made payments that we cannot track. These payments came in through wire transfer and

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incidentally did not have the name of any company attached to it. So two of those payments came in on the 24<sup>th</sup> of June. That was last month. Out of the two payments, one was for \$1,000—so I believe that that’s a member in Category 1—and one was for \$60. That would be a member in Category 3: a developing region. We also had one member today who made a payment by wire transfer, and their name was not included. So please, any of you who made payments around the 24<sup>th</sup> of last month or your payment was due to reach the BC account today—it’s \$1,000—please reach out to me for reconciliation.

Going into the next item, which has to do, still, with membership, I want to, on behalf of the BC, congratulate and relay to Paul Mitchell—I checked the chat, I didn’t see him listed, but we know that by information reaching us, he’s exiting Microsoft, and we will definitely be missing his participation here in the BC. I am one of those who are hopeful that we will still, maybe in the future, have Paul Mitchell under another startup as president or CEO. I want to thank you for your wonderful work on the NomCom and other areas where you had helped represent the Business Constituency.

We are also saying our goodbye to Ben Wallis, who is transitioning to another role within Microsoft. We will definitely love to continue to engage and have you around. Your contributions have been very, very measurable. Thanks for that.

And welcome to Nik. Welcome on board.

So going forward, we’re still encouraging members to help with the business and the task of recruiting new members into the BC. It’s a new

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financial year, FY '22, and it's the best time to have more members join us. I'm sure Zak and the team, the Credentials Committee, will be itching to deal with some applications. If you have ideas or you have recommendations or people that you think we can reach out to from the Secretariat, please kindly let myself or Zak or any other member of the Credential Committee know.

We have Roger Baah of Secure Reach heading the ICANN Learn and Onboarding Committee as the Chair. This is one of the committees that Ben will be exiting from. And we are hopeful that, before the end of this year, we will have at least one new course on ICANN Learn. We already have an additional budget request to cover that particular project.

For the Communications Committee, we have Yusuph from AfICTA leading that group. Aside from myself, there is also Tola [inaudible] and Vivek of [L.R] on these committees.

With regards to our accounts, the closing balance for today before the meeting came out to \$143,000 U.S., with a few more coins on top of that. That puts us at ... While we draw off the reserve funding of \$60,000, it definitely puts us in a position where we are able to meet our financial obligations for the year going forward. Our budget for FY '20 and '21 had been in the region of about \$40,000 and I don't see any marked change because we are still operating within a virtual environment. So definitely we have funds enough to cover our projections and needs and it may be possible to take up some other ambitious projects in the course of the financial year.

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I will stop at this point, seeing that we are way past the hour. If anyone has a question, I'll be willing to attend to that.

MASON COLE: Thank you, Lawrence. Questions for Lawrence?

All right. Not seeing hands. Lawrence, very good. Thank you very much for that update.

We are now on Agenda Item #5 Mark Datysgeld, over to you for a discussion on what looks like to be a new BC logo. Over to you.

MARK DATYSGELD:

Thank you, everyone. This might have been a little more of an in-depth discussion, but then again, let's get right to it.

We have shortlisted the designs that are on your screen right now as the potential new BC logo. As you might remember, this is a process that I started quite a while ago, and eventually ICANN Org decided that they were the ones who needed to do the final design. So they iterated on the ideas that we had within the group, and those are the different designs that they ended up coming up with. Now, there have been others, but to be honest, they were insufficient, I would say, and they were eliminated from consideration by the Ex-Comm before they reach you all. So these are the current designs.

If there is any interest from the members who are present in expressing a desire for a particular one of these, this will be a good time for a show of hands, just to know. Otherwise, we will be discussing within the

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Ex-Comm [to offer] one of these. But in case anybody feels strongly about any of them, this would be the exact [inaudible], which is a very good option. I'm very favorable to 1 and 2, to be honest. 6 and 7 look better, according to ...

MASON COLE: Mark, maybe we can have a poll on the e-mail list.

MARK DATYSGELD: Yeah, for sure. I'm more looking at a show of hands in case we might want to eliminate a few right now already.

MASON COLE: Okay.

MARK DATYSGELD: Maybe #4 can go. Maybe #3 can go. And maybe we can focus on having five options—maybe 1, 2, 3, 6, and 7. Does that sound reasonable? That's my question right now.

Well, with no objections, maybe we do that. Maybe we do a poll. "#5 should go." Yeah, it probably should, Waudu. So let's do a poll then. 1, 2, 3, 6, and 7. Does that sound good to you, Mason?

MASON COLE: Yes, sir. That sounds good.

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MARK DATYSGELD: Perfect then. Thank you very much, everyone.

MASON COLE: You have a question from Jimson. Jimson, go ahead, please.

JIMSON OLUFUYE: Thank you, Mark, for that. I just have a quick suggestion. 6 and 7—can we swap the arrangement so it'd be just like 1? 1 is good. Can we swap it to have the logo first before "Business Constituency"? [inaudible] 6 and 7. We can swap it just like 1.

MARK DATYSGELD: Yeah, Jimson. That makes sense. I think that what we are looking into right now would be more the general arrangements and then, for sure ... For example, I'm very partial to having the line dividing it a little bit. So it's the kind of thing that we would discuss a little further ahead, but, yeah, for sure, seeing the different arrangements would be a good idea. We could either do that ourselves, or after the decision is made, we could iterate on the logo that's chosen and show different options within that particular design.

MASON COLE: Okay. Thank you, Jimson. Other questions for Mark on this agenda item?

Okay. Mark, very good. Thank you for taking this forward. We leave it in your capable hands going forward.

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So back to the agenda, we are on our final issue of the day, which is #6. Jimson, the floor is yours, please, for a very brief overview, if you don't mind.

JIMSON OLOFUYE: Okay, Mason. I don't know if you can see my screen. I'm trying to share my screen.

MASON COLE: No, we do. We see it.

JIMSON OLUFUYE: Okay. Greetings, everyone. I want to thank the Chair, Mason, and the Executive Committee for giving me the opportunity to make this brief in presentation. It's on IGFSa. So I'll talk briefly about IGFSa and the justification to support IGFSa and the benefits to the BC for supporting the IGFSa and how the IGSA can actually be supported.

Well, the Internet Governance Forum brings together people all over the world, stakeholder groups, [inaudible] in discussion on issues relating to the Internet. Well, if you can recall, the World Summit on Information Society took place in 2003 and 2005. Specifically in 2005 there were two outcomes. One is the Internet Governance Forum and the second is enhanced cooperation. I had the privilege of being in the working group on enhanced cooperation from the 2004 to 2008 timeframe. But I'm talking specifically about the Internet Governance Forum, which has [inaudible] to really create an avenue for more understanding about Internet-related issues than concerns ICANN itself as the BC as well.

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So the IGF is inclusive and anyone can participate in this. Many of us know that already. We have members that participate in ICANN regularly every year. The global IGF has met annually since 2006. The Internet Governance Forum supports a session. It's actually set up to support the United Nations Internet Governance Forum. And the goal of the goal of the IGFSA to is to provide a stable and sustainable support for the IGF Secretariat and perform related activities, particularly the national and regional IGF. It also supports accessibility issues, event captioning for the handicaps, basically.

The IGF actually was launched on the 4<sup>th</sup> of September, 2014, at the 9th IGF meeting in Istanbul, Turkey. To this moment, the IGFSA has contributed about \$290,000 to the U.N IGF trust fund and contributed a total of US \$495,000 to [145 national IGFs and 45] regional IGFs since 2014. So the URL to IGFSA is there.

So this is a call to support IGFSA. [And the schedule for that is the need to] address the persistent DNS abuse menace affecting members' business online through broader engagements at the national and regional IGF meetings. And there's a need to enhance law enforcement ability to address the cross-border nature of cybercrime and to prosecute offenders. We do know that there have been challenges of different policy or law, data protection regulation across the world, so if BC supports activities of IGF at a national and regional level to further enhance the understanding of policymakers towards addressing the DNS abuse issue.

So, as IGFSA supports the national and regional Internet governance forums, it helps to promote that on the DNS abuse issues at those levels



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and directly provides inputs into national and regional policy development processes with the expectation of enhanced international cooperation of mitigating the challenge beyond its restriction at the national level.

[inaudible] of supporting IGF [inaudible] to advancing BC's mission, to foster consumer confidence on the Internet as a veritable platform for business and for an Internet that is not fragmented but safe, secure, and resilient. [It also would raise] increased global awareness of BC's main concern, which is DNS abuse.

What are the benefits of the BC for supporting IGFSAs? To have the ability to influence policy discussion, as I mentioned earlier, across [inaudible], that's national and regional IGFs in favor of consumer confidence and safety online and also increase assurance of the maintenance of a non-fragmented, secure, stable and resilient Internet that is good for business. And we have a listing of doors and supporter partners of IGFSAs and the BC wants to be listed in that honorable list. So how can the BC support IGFSAs? The BC may support the IGFSAs through [enough] funding support as we deem fit.

So that is the submission I'd like to make/call from the IGFSAs for the BC to support IGFSAs efforts. So we appreciate the BC for your expected support. Thank you, again, Chair and the ExCom and the entire BC for listening. Thank you.

MASON COLE:

Thank you very much, Jimson. Any questions for Jimson on his presentation or this request for funding before ... Jimson, I think what

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your next step is probably going to be is to submit that to the Ex-Comm for formal review before it's presented to the BC for approval.

Any questions? Steve, go ahead.

STEVE DELBIANCO: Thanks, Mason. It's just a very quick endorsement of the idea of giving some support to the supporting organization. I've been part of IGF since it first started. And I know that Jimson, when he shows up at any IGF event, he's done a fabulous job of recruiting some of the Business Community to show up, recruiting the for participating in the BC. And I know that's been valuable. But the IGF-USA is going on right now. We're on day 2, tackling really hard issues like cybersecurity, privacy, content moderation, broadband access, crime, and fraud. And I got to believe that we ought to be active at the IGF. Thank you, Jimson.

JIMSON OLOFUYE: Thank you. To your question, well, BC has been making modest support with between \$5,000 and \$10,000. Thank you.

MASON COLE: Okay. Thank you, Jimson. Any other questions for Jimson?

All right. Very good. Oh, Waudu has a question for you about, will the BC be able to have a presence at the meeting? Jimson, is that an answer that you can provide?

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JIMSON OLOFUYE: Okay, [inaudible as part of the donors who are IGfSA. Yes.

MASON COLE: Okay. Very good. All right, Jimson, we look forward to your request. And we need to move on and close out the meeting. So if there are no other questions for Jimson, let me ask if there are any issues that BC members would like to raise at this point or any other business.

Steve, is that an old hand or a new hand?

STEVE DELBIANCO: Sorry. Old hand.

MASON COLE: Okay. Thank you. All right, colleagues, I see no other hands. So at this point, two things. Thank you very much for your indulgence and going 15 minutes going over the meeting time today. I know it was a long meeting, but we had a lot to cover. And as usual, I want to say thank you to Brenda and ICANN staff for all their good support. And if you have a chance to say thank you to Brenda, please do so because she's always there and does a great job for us.

All right. If there's no other business, then the BC is adjourned. Thank you all very much.

**[END OF TRANSCRIPT]**