BRENDA BREWER:	Good morning, good afternoon, good evening. Welcome to the BC membership call on 1 December 2022 at 15:00 UTC.
	Today's call is recorded. Please state your name before speaking. Have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. And I have received apologies from Marie Pattullo, Mark Datysgeld, Barbara Wanner and Zak Muscovitch. And I'll turn the meeting over to your BC chair, Mason Cole. Thank you.
MASON COLE:	Thank you, Brenda. Good morning, good afternoon, good evening, everybody. Welcome to our call on 1 December 2022. As I mentioned, looks like pretty thin attendance, which is disappointing, but we're starting to get in the holiday season. We're also competing with the IGF meeting which is going on right now in Ethiopia. That's why we don't have Mark with us right now. He's leading a couple of sessions there. Marie is off on PTO, I believe, and we've got any number of members who are otherwise occupied. But we have some important business to take care of, so let us proceed with our agenda.
	Steve, I'm going to turn the floor over to you. We don't have a lot of folks on the line today, but let's go ahead and take care of the business.
STEVE DELBIANCO:	Glad to do so. We have one comment that we filed in the last two weeks, and that was the 17th of November where we commented on the draft budgets and operating plans for IANA and PTI.

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.

Tim Smith and Lawrence did all of that work, was very thorough. Arinola offered a comment. I incorporated some of that, made some edits before we filed. Again, thanks, Tim and Lawrence, for your work on that.

As far as open public comments at ICANN right now, there's one, which was just extended till Monday the 5th of December. This is the very extensive comment on ICANN's proposed implementation of the EPDP phase one and phase two priority recommendations.

So we did not approve of any of the recommendations. So their implementation was simply an opportunity to try to make things a little bit better for us. Our comments are quite extensive. We have worked, I think, for almost a month and a half, [David Snead,] Margie Milam, Alex Deacon and myself on the draft responses, which are highlighted right here.

I'm going to be filing those on Sunday or Monday, the 4th or 5th. Today at 6:00 PM Eastern, David and Margie and Alex are going to be on another call to do a final walkthrough. Anyone who's interested in joining our call, let me know and I'll add you.

Are there any comments from people that have had a chance to dip in and look at the draft? Okay, not seeing any hands. Or in the chat. That's great.

Channel two then turns to Council. And neither Marie nor Mark are available to be on today's call. So what I've done here is I summarized what happened on the previous Council meeting, that was the 17th of November, I was on the call.

And quite surprisingly, the three resolutions that were all passed unanimously, the BC and IPC leadership chimed in and all of us voted for recommending the WHOIS disclosure system and the lightweight ticketing system. And again, we were able to secure commitments that the data would be made available, although that is not specific how, and that we have commitments that they will log requests even if the registrar running the domain is not participating in the system. So I have included a link to the Council's letter to the Board. And Sebastien Ducos was the chair of this small team. He's also the chair of Council right now. This is an issue that he cares deeply about. And the Board now has it. The Board may or may not implement this lightweight system. If they do, ICANN staff is supposed to be able to begin development at the first half of 2023. Remains to be seen. This is not consensus policy that has a higher obligation for ICANN Board to accept. It's really just this attempt to do something lightweight instead of a full blown SSAD but that did not come through a consensus process the way that the SSAD did.

I'm happy to remark that we also approved the recommendations for the registration data accuracy team scoping of that. And then finally, Mark Datysgeld, as you know, has worked with Mason for the better part of a year and a half on DNS abuse and the small team that Mark co-chairs produced a report and recommendations and that was approved unanimously, including the NCSG and contract parties. I think that's a real tribute to the way that Mark tries to do things in a team environment. So I know Mark and Marie were delighted that Council came together unanimously on three items that could have been controversial.

That's it for the Council meeting. The next one is not until December the 15th. And the agenda will be out on Monday. When it comes to other Council activities, I wanted to highlight that on our last call, Tim was discussing the work he's doing with closed generic gTLDs because Tim's representing us on that, and Tim, I summarized in an email that I promised to you but I also tried to summarize it in really this one sentence, that the BC would be concerned about consumer deception and competitor exclusion. If a single competitor in an industry is the same one that's managing a closed TLD where the TLD string is really closely identified with the industry itself—and I give an example there, .hotel is my favorite example, where they could run a lot of second-level domain names if it was a single company like a travel company or hotel manager, they could run it in a way that consumers would easily be deceived without full disclosure and competitors would be deliberately excluded.

Tim, was there anything more I need to provide you for help on that? And were you able to share my email with the folks you're dealing with, Philippe?

TIM SMITH: Well, thanks, Steve. It's Tim. Thanks for this. And thanks for actually what you entered into the transcript at our last meeting, because both were very helpful. And the note that you sent the other day.

I was supposed to have met with Philippe yesterday or Tuesday this week, to get an update and to provide him with this information. And

that meeting has now been delayed until December 13th. So I'm not going to wait until December 13. I will share this with him now.

Because as he has advised, there has been an exchange going on. Their meeting that was supposed to be a face to face in Washington has been delayed until next week. But there has been some dialogue going back and forth between different participants in order to determine or in order to discuss whether there is a suitable reason for closed generic and where there are not suitable reasons. So this will be very helpful to enter into that discussion.

STEVE DELBIANCO: Thanks, Tim. What I would recommend is to share some version of the email that I'd sent because it's more complete than the summary that's on the screen right now.

TIM SMITH: Will do. Thanks.

STEVE DELBIANCO: Thank you, BC members, you've all had a chance to see the email that I sent after the last meeting. Do any of you have questions or comments on our representation of our concerns over closed generics?

Great, thank you. Second item up is one that Zak and Arinola have been working very hard on. It has to do with new transfer policy, and IRTP it used to be called in the old world. Now, Zak circulated some preliminary recommendations about how the registered name holder has the

opportunity to say "Oops, no, I don't want that. I don't want the transfer to proceed."

And then second, just the other day, Zak came back with an idea that recommendation 19 is now in consideration. So I can give you a quick explanation of what rec 19 is all about. It's a preliminary recommendation 19 where the working group recommends revising the reasons that the registrar of record can deny a transfer request.

So you're a registrar holding, say, netchoice.org for me. A request comes in to transfer to another registrar. What are the legitimate reasons that that registrar, the controlling registrar could say nope, I don't want to give it up? And that revision is underway right now and they are asking for comments on what should be in there. I'll go ahead and share that window for you to look at.

So for instance, take a look, evidence of fraud. For example, if there's evidence that it really wasn't the registrant who asked for the transfer, you could well imagine how they wouldn't want to proceed.

And there's an edit here. Used to say a reasonable dispute over the identity. And now it just says a reasonable concern that the transfer was not requested by the actual registered name holder. And by the way, registered name holder seems to be the new preferred term instead of the term registrant. Margie and I saw that all over the EPDP implementation document.

There are a handful of minor changes in this list. And this is when Zak would like to hear from us. So whether we have any concerns about the

potential changes on rec 19. I'll take a cue if anybody has one because I promised to get back to Zak and Arinola after today's call.

And Vivek, you're exactly right. And that was the concern, if they were running .hotels, if they were running it as completely for their own, it would give rise to the same concerns I raised earlier, consumer confusion and competitor exclusion.

If it happens, it's going to be up to the national antitrust and consumer protection authorities to tell [Booking] what to change, how to adjust the way they disclose things. And so it's outside of ICANN's hands.

Do I have any hands up to talk about rec 19 for transfers? Alright, seeing none, I'll go back and put the policy calendar back up. Great, thank you.

Okay, so I think that covers that item. I would ask you, Lawrence, do you have anything to add on the GNSO guidance process for applicant support?

LAWRENCE OLAWALE ROBERTS: So just as a way of update, I just want to add, we've had our first meeting last week, Monday, two Mondays ago, and we have another meeting, the second meeting scheduled for the 5th of December to discuss the timelines for which we should deliver some form of conclusion on the guidance process. We're looking somewhere between September to December 2023. So it's supposed to be [inaudible] process, which shouldn't take too long.

There has been questions around the GGP model itself. And at our next meeting, we will be informed more around the process of GGP because

we hear that it's a process that hasn't—that is not usually used. That hasn't been put to use so to say. And so the committee members just need to familiarize ourselves more with the process, where there will be public—because we understand there will be public comments and all that.

But the committee is set to know that we are not to propose anything that tampers with policy. So the job scope will not have anything to do with designing policy, just process for applicants who would want to use ICANN support in the next round.

So work has started and we'll have more updates as we progress.

STEVE DELBIANCO: Lawrence, you may be a lucky guy because we might have in the BC a former ICANN staffer who worked on GGP. Margie, was this something you were familiar with when you worked at ICANN?

MARGIE MILAM: Hi, everyone. No, but I'm happy to look at it to help guide us. I think this happened after I left.

STEVE DELBIANCO: Lawrence, what is the confusion about the intent or the process? What do people want to know?

LAWRENCE OLAWALE ROBERTS: Just to know to what points the process could be used, who needs to be interfaced with for instance, if we are not supposed to propose anything that is a policy change or a serious change to the dynamics that we have to look at. We're like what's going to be the purpose of you know posting recommendations out to public comments? Are those comments going to, to some extent, result into people asking for changes? And if that happens, how does the process—where in the process do we accommodate all that?

So it's just to get familiar with the procedure and for members to be guided so that we do not step out of rounds, so to say, in terms of the GGP process itself.

MARGIE MILAM: If I can comment, Lawrence, I think you're exactly right. It's not meant to affect actual policy because we got the other processes that apply a policy. But that said, the fact that they're putting it together I wouldn't be surprised if it ends up affecting the policy anyways. I mean, it just seems like ICANN tends to find the easiest way to solve some of these issues and it might end up there even if the process isn't technically meant to do that.

STEVE DELBIANCO: Lawrence, the best bet is to ask Marika to join your next call and to have Marika—because I'm sure that she was the primary author, if it was done after Margie left. Tim's got his hand up.

TIM SMITH: Yeah, just a point. I think Lawrence is representing the CSG on this particular issue. And so I'm wondering whether we should put together a little summary of what's being discussed or what the concerns are, and share that with other members of the CSG.

STEVE DELBIANCO: Oh, that's a great point, Tim. That's part of our obligation, Lawrence, whenever we represent the CSG, is to report back to the chairs of the other two, via the chair email or the CSG mailing list.

TIM SMITH: And if we do that, that makes us better at that than the other two constituencies.

STEVE DELBIANCO: Right.

LAWRENCE OLAWALE ROBERTS: Tim, will that be writing to the full mailing list? Or is there an email for leadership?

TIM SMITH: Yes, there is a CSG list. And I can forward that to you or you can forward me your comment and I'll pass it along to everybody.

LAWRENCE OLAWALE ROBERTS: Great, great. That works.

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STEVE DELBIANCO: Then, Tim, by the same token, do you represent CSG or BC on the close generics group?

TIM SMITH: Actually, Philippe is on the closed generics group. I'm not on it. I'm just trying to make sure that our input is in his hands.

STEVE DELBIANCO: Perfect. But you should feel free to share that email not just with Felipe but with all the CSG if you felt like it.

TIM SMITH: Exactly. Yeah, good point.

STEVE DELBIANCO: Because we had support from the IPC 10 years ago, when that came up. Alright, let me turn to the last one, which was DNS abuse. We've already covered that. And I've already covered the SSAD Light and the resolution of that. So Tim, let me turn it over to you to talk about channel three, I have your report pasted on the screen.

TIM SMITH: Okay, thanks very much, Steve. As indicated here and as indicated to you before, we were going to be meeting with GNSO-appointed Board members, which took place on November 21. And we had the four

representatives on the call. It was a good exchange, we had a number of good conversations.

And I guess I'll just go through them, but on the CPH contract amendments there was some feeling that there should be more input, didn't want to restrict any changes to just malicious registrations, but also have perhaps as a secondary priority compromised. And there was also some discussion about [inaudible] whatever changes are made are more enforceable.

So I guess the conclusion of that discussion was really about the fact that we would like to have the opportunity as CSG to make our feelings known as part of the process of the amendment discussion. So we kind of left it that there was nothing standing in the way of us actually having input, and that perhaps we should notify somebody. Perhaps org, I guess, about what our feelings were.

We determined that was a good idea, I think, but nobody took up the task of actually submitting anything. So I think that's something we need to determine whether it's something we want to do. Mason, I see your hand is up. Is that with relation to this?

MASON COLE: It is, Tim. Thanks very much. I just wanted to notify you and the BC that we do have a draft note that I'm shopping with the rest of the CSG leadership. And I need to coordinate this with you to make sure you're in the loop as well. But there is a draft letter that outlines CSG expectations about how contract amendment negotiations should be handled and where our voice needs to be heard in that we don't expect

to have a seat at the table, but we do expect at least a round of public comment, if not several, in order to ensure noncontracted party engagement on the changes to the contract. So that is in the works. Even though it didn't sound like somebody took the pen, I've got the pen on this.

TIM SMITH: Thanks for that. Steve, you have a comment?

STEVE DELBIANCO: Thanks Tim. Picking up on what Mason said, during that call with our Board members, Mark, Mason and I reiterated our support for a narrow focus DNS abuse amendments and in so doing, wanted to try to show appreciation for CPH and asking for formal consumption on that process.

The second thing is that I asked with the Board members—particularly Becky Burr—I asked with the NIS2 regulations having been formally approved and now the clock has started on transposition into the national laws, I said I believe that NIS2 regulations could create obligations for disclosure on legal persons, and obligations for accuracy of information.

Becky Burr said that so far, she didn't see anything in Nis2 that would require a change in ICANN policy, but she would study it further. And I think what this reiterates is the fact that policy does not have to match national law. That's never been the obligation.

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They've always claimed that ICANN policy should not force a contract party to violate a national law in conforming with the contract. And that is how they had structured almost everything we did in response to GDPR. So I'm going to predict that I can will look at the latest iterations of NIS2 and they'll say, "Well, we're just going to wait until a country implements it." And that is where the specifics will come down.

We have to be aware that if I can, says that sure, a registrar is allowed to distinguish between legal persons and natural persons, yes, they are allowed to do better practices on accuracy, then they don't have to require that if the law already requires it. ICANN does not want to match the requirements. They just want to be sure not to create a conflict where the contracts cause a contract party to violate the law. Thanks.

TIM SMITH: You explained that far better than I wrote in my report, which is the third paragraph, which is that the devils in the details, and that was their interpretation, was wait and see until all the states adopt it.

I guess, moving back up there, though, for a little bit.

STEVE DELBIANCO: Tim, one quick thing. Don't say until all the states adopt it. When one member state adopts, it's going to apply whenever a website is visited by members of that country. Say it's Denmark. And if a Dane is visiting websites anywhere, the Danish law would apply. If a Danish company or entity registers a domain name, Danish regulations would apply. Don't

let them pretend that we have to wait for all the countries to come in. As soon as one does, that creates a standard where ICANN then ask to examine whether the contracts themselves are going to cause a contract party to violate the law, because it might suppress the way a contract party discloses and that was an overreaction to GDPR and now that they have to change it.

TIM SMITH: Right. Okay. Thanks for that explanation. Okay, we also talked about the WDS, which you've now given more of a report on. So I don't know I need to do anything, say anything.

Well, actually, one of the points that got raised was the whole privacy proxy situation, which Becky determined that the WDS paves the way for the implementation of privacy proxy. But there seemed to be some confusion about that. And Matthew Shears did offer to take that away and get response, although I haven't seen anything at this point about that.

So other than that, I guess we will have another meeting. It was a pretty cordial gathering, I thought, and there seems to be a preference to meet face to face, if possible, if agenda allows, at ICANN, 76. So that's what we'll be working on perhaps as next steps with those board members.

And then I guess just down to the bottom, while you are there, the planning and prioritization, I've been trying to get an update from Susan Payne on where the proceeding was. And she did provide a report.

But I, in order to get any detail, she expressed her own sort of frustration with the fact that Org had not been coming forward with kind of a progress report of what recommendations were being implemented. We had prioritization, but we didn't have implementation.

And so now, I reached out to Org and they have now provided full details about the status of all the recommendations. So I've provided a link for you there, and you can review it on your own. But at this point, they're further along than I thought they were going to be. They've actually implemented in some fashion or addressed in some fashion 23 of the recommendations.

So that's moving forward. And then I already gave you a report on the fact that I have not met with Philippe yet. And that's not for another two weeks. But I will be sharing with him the information that you've provided, Steve, so that he understands BC's position.

I'm not following the chat here, although it's popping up all over the place. And that's really all I have to report, Steve.

STEVE DELBIANCO: That's great. And Margie and I have been chatting a little bit on this question of conflicts between NIS2 and ICANN policy and contracts. And I think we see eye to eye that the key is to find ways in which ICANN's policy and contracts would cause a registrar or registry to violate NIS2.

Anytime NIS2 requires something and the ICANN contracts prohibit it, then we've got something that would generate a temp spec. Even if a

single country did it, Denmark, we need a temp spec. Completely on board with that, Margie, and look forward to what do you have as preliminary thoughts. Keep it to just BC Private so it stays within our group. I appreciate that.

MARGIE MILAM: Thank you.

STEVE DELBIANCO: Thank you, Margie. You're doing everything. In fact, before you joined the call, I reminded everyone as we walked through the IRT, the implementation review team for EPDP Phase 1 and Phase 2, that there's a call today at 6:00 PM Eastern, 3:00 PM Pacific, where you and David are going to do a last pass through the document.

And I invited any BC member who was interested to let us know and then we'd invite them to join that call. But today will be the last pass, right and then I could do the final submission and formatting over the weekend for a Monday deadline. Does that sound okay to you?

MARGIE MILAM: Yeah, that's right. And I really appreciate all the work that everyone's— David and Steve spent a tremendous amount of time on this. So thank you for that.

STEVE DELBIANCO: And Margie, Alex Deacon finished his edits at the tail end, right?

MARGIE MILAM: I believe so.

STEVE DELBIANCO: Okay, and you can feel free to accept his edits anywhere you see them.

MARGIE MILAM: Yeah, I'll do that today.

STEVE DELBIANCO: Thank you, Margie. Appreciate it. Mason, that's it for the policy calendar. Turn it back to you.

MASON COLE: Thanks very much, Steve. And Thanks, Margie, for all the contributions. And I'm watching the chat here. We've got one issue to raise under AOB. We have 30 minutes left in the call. So we're doing pretty good on time. So before we go to AOB, let me turn it over to Lawrence for his update on finance and administration. Lawrence, over to you.

LAWRENCE OLAWALE ROBERTS: Thank you, Mason. So to start with, the BC elections with election results for officers in the coming year has been shared on the BC Private list. And happy to announce that Mason Cole is returned as chair of the BC in the coming year. Thank you, Mason, for the wonderful job you've

been doing and for how you have led the BC so far. We are looking forward to another wonderful year ahead.

Again, the BC has also returned to the office of vice chair policy able Steve DelBianco. Thank you, Steve, for all that you do for the BC and I'm sure that in the weeks ahead, we will definitely take you up on your promise to scout for people that would be willing to walk with you and hopefully step into your role in the year ahead or the years ahead.

And the BC also returned Tim Smith as the CSG rep. Thanks, team, for all that you do, having to interact with the other two constituencies and seeing that the BC's position is well articulated.

And I have the humble task of chasing everyone to pay up their dues and also to speak to their bodies to come join the BC for another year. We are counting on the support of members to see that the BC continues to have a good run within the community. And thanks for everyone who joined and participated in this process.

To this effect, I would also want to announce that we have a few members who possibly will be joining the BC before the close of the year. At our next meeting, we are hopeful to at least announce two new members whose processes already advanced. And I'm sure the chair of the credentials committee might be joining us at that meeting, that's Zak, and will also be able to provide some form of updates. I would like to yield the floor now to Vivek, the SME NomCom rep, to provide a quick update on the work of the nominating committee, how far they have gone and what's cooking in their stables. And if there's also any particular requests from the BC, now will be a good time to share. Vivek.

VIVEK GOYAL: Thank you, Lawrence. And congratulations and thank you to everybody who's been elected again to serve the BC. We are very thankful to have you and you giving us your time and energy to manage this.

Small update from the NomCom. As you know, NomCom is very tight lipped. In the first session that we had, that's the first thing we were told, don't share anything with anybody.

And since then we have been asked to discuss beforehand before we share anything. So in today's call, I got permission to share this information.

The application window will be opening in the second week of January and will end about the third week of March. So that is the window when the application will be open for people to apply for various positions, and the details of the positions and the restrictions, if there are any, in the brochure, the link to which I am sharing right now. And I will also circulate this in the BC list.

So if you know of anybody who will fit the bill, would be a good fit for this position or if you want somebody who is on the fence or doesn't know, please let me know. I'll be happy to talk to them, give them a heads up on what it takes to serve on different positions and provide support whenever and whatever I can do.

So spread the word. The more members that we can get from the BC community, the better it will be for us going forward. That's all from my end. Thank you.

LAWRENCE OLAWALE ROBERTS: Thank you very much, Vivek. And if we have members that have any questions for Vivek around the NomCom process and around what he has announced, the application rounds will be opening soon, and it will be good to have some of us involve persons that we know, maybe ask them to put in applications during when that round definitely opens. Is there anyone with a hand up? Otherwise, I will proceed with the rest of my report.

Okay, so not seeing any, the BC newsletter for the next ICANN meeting, ICANN is already making a request for the—

MASON COLE: Brenda, did we lose Lawrence?

BRENDA BREWER: We certainly cannot hear him and I do not see his line connected at this time.

MASON COLE: Okay, I know he's at the IGF remote hub. So let's pause for a moment and can you see if you can get him back on the line? Thanks. Alright, let's pause for just one moment and then we'll reconvene.

LAWRENCE OLAWALE ROBERTS: My apologies, I got kicked out of Zoom. So I was saying that we have up until the 13th of January to put together the next edition of the BC

newsletter. And we want to invite contribution from members. I know that we are gradually moving into the holiday and it might form a challenge. So it would be nice if we could have people who have interest indicate their interest now so that we can easily follow up to get your articles before the deadline. But we definitely need to work towards having some copies printed.

A revised timeline for the committee elections will be shared with members after I have gotten ExCom's approval for it. Activities over the last couple of days had caused the timelines that we shared earlier to be missed. And we're basically looking for members to join the onboarding committee, the communications and the finance committee, as we have with—the Credentials Committee is effective as it is, and we have all five member requirements met.

And so for any member, especially for members who just joined the BC not too long ago, this will be a good opportunity to engage within the BC, engaging in any of the committees and getting to exercise and to know the charter better.

So over the next couple of days, we will share the timelines on the BC private list. And we'll wait to have members indicate interest of membership of any of these committees.

Finally, we are still in the process of working on the additional budget request for the coming year FY 23. We're sharing our draft copies and expect comments and contributions from members. But if you have a novel idea different from what the BC has done in the past for which you feel that we should put in an additional budget request, please

kindly also indicate so that we can work on the proposals together before the deadline in January. I'll be yielding the floor not to Mason. Thank you all.

MASON COLE: Thank you, Lawrence. Any questions or updates for Lawrence before we move on to the agenda? Okay, very good. We are ahead of time right now, we have 20 minutes to go and we're to AOB. So before we move to AOB, any other additions or updates to the agenda?

Okay, now let's move to all other business. Vivek, did we cover what you needed to cover in Lawrence's report on the NomCom or do you need additional time?

VIVEK GOYAL: No, I covered it. Thanks.

MASON COLE: Okay. Thank you very much. All right. Any other business to cover for the BC before we adjourn today?

Okay, all right, ladies and gentlemen, I will donate 20 minutes of your time back to you on this Thursday. And thank you for your attendance on the BC today. Thank you to Brenda for the support. And we will meet again—Brenda, is it the 16th I believe, right before the holiday?

BRENDA BREWER: Yes, that is correct.

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MASON COLE: Very good. All right. Okay, members, we'll see you on the 16th if not sooner, and thanks, everybody and have a good rest of your day. BC's adjourned.

BRENDA BREWER: Actually, I looked at the calendar. I lied. It's Thursday the 15th of December. Sorry about that. But you'll see that on your calendar invite and I'll stop the recording now. Bye all.

MASON COLE: Thanks Brenda.

[END OF TRANSCRIPTION]