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BRENDA BREWER:

Good day, everyone. This is Brenda speaking. Welcome to the BC Membership call on 27 June 2024 at 15:00 UTC. Today's call is being recorded and is governed by the ICANN Expected Standards of Behavior.

Kindly state your name before speaking and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. We have apologies from Zak Muscovitch and Tim Smith. And I'll turn the meeting over to BC chair, Mason Cole. Thank you.

MASON COLE:

Thank you, Brenda. Good morning, good afternoon, and good evening, everyone. Mason Cole here, chair of the BC. Welcome to our call on 27 June. This is our first call after the ICANN80 meeting in Kigali, where we were privileged to see many BC members in attendance. Thank you very much for joining. It was good to see a lot of people in person in Kigali. And if you didn't make Kigali, I think I can speak for most on the BC who were there that Kigali is a lovely city. We were privileged to have a good meeting venue in a nice city to meet in. So, Brenda, please relay our thanks again to ICANN Meeting staff for organizing an outstanding event.

All right, we have our normal agenda on the screen. Are there any updates or additions to the agenda please? All right, before we dive into the policy calendar, Steve, do you mind if I just switch items two and three and I'll give a quick update from Tim? And then we'll just knock that out first.

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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.*

STEVE DELBIANCO: Go for it.

MASON COLE: All right, thanks. Okay. As Brenda mentioned, Tim is unable to make the call. So I have a brief Finance and Operations report to share with you. First things first, congratulations are in order for several of our BC colleagues. Vivek Goyal is our new GNSO councilor as a result of the recent election, Ching Chiao is assuming the NomCom Large Business delegate seat, and Arinola is accepting the Small Business delegate seat to the NomCom. I see Ching on the call. I don't know if Arinola is on the call or if we have—no, that's it. Okay. Well, Ching, congratulations. And thank you again for standing for this important role. This is very important and it's good to have someone of your skill, ready to assume that seat, so thank you very much.

All right. In terms of other business on Finance and Operations. We had a very successful outreach session in Kigali. For those of you who are there, Tim and Lawrence and others organized an outreach to the Rwandan business community to the broader African business community, really. We had an outstanding turnout. Lots of people came. We had about a five-hour session where we presented an overview of ICANN, an overview of the BC, why business participation in the ICANN model is important, particularly for developing areas in Africa.

As a result of our outreach, we received six applications for membership. And the Credentials Committee is now in the middle of

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reviewing those. We received payment already from Asteway Negash of enable.it, who has now been invited to Membership. So, congratulations to Asteway for joining the BC.

We are considering the possibility of another outreach event in Istanbul in November for ICANN81. Nenad and David Sneed have expressed an interest in assisting with that event. So, thank you, gentlemen, for stepping up to the plate to help out with that. We're looking for CROP funding, which is ICANN's fund for regional outreach. That needs to be submitted by September 20, so we've got some time to do it. Tim is on the case with Nenad and David on that front. Okay. We covered elections.

Finance-wise, we're coming up on the end of Fiscal Year '24, which I believe is tomorrow or Sunday, June 30<sup>th</sup>. There are a couple of more expenses to be counted but we will end the year with around \$42,000 spent against an original budget of \$69,400. So the good news is we underspend our budget. The neutral news is we can probably use a little bit more padding in our bank account. So the ExCom is looking at, seriously, it's a budget for FY25, to make sure that we keep everything in order in our bank and on our books. BC Membership for FY25, we have sent invoices to 67 members. So far, 60% have already made payment. At this point, there are no indications of any withdrawals of Membership. So if you have not yet made your payment, please make arrangements to do so. If you need help with that, Tim is available to you. Or if you can't reach Tim, get in touch with me and I'll steer you in the appropriate direction.

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All right, that is pretty much it for Finance and Operations. Does anybody have anything else to add for agenda item number three? Okay. Let's go to item number two. We have a very ambitious policy calendar. Steve, over to you, please. Take the floor.

STEVE DELBIANCO:

Thank you, Mason. You put up the policy calendar I sent to them yesterday. It was earlier in the day, and then I sent an update later in the day. I only have one comment to have nothing to report on since we last met on what was filed. But we have two to discuss today. There's a Policy Status Report that GNSO put out. That's where they are asking for feedback on how effective several relatively new GNSO processes have been. I want a big thank you to Marie for taking the lead, and Lawrence has done some edits as well. I will now display a Google Doc that they came up with so that those of you on the BC call have an opportunity to evaluate and comment on it. You don't have to do it all on this call. I will send around a last call e-mail to all members of the BC so that you'll have an opportunity to comment on it, because we're going to file it on the due date, which is July the 2<sup>nd</sup>, next Tuesday.

Okay. With respect to the draft comment, the EPDP is one of the things that's evaluated. Marie, Lawrence, Vivek, I will defer to you. If you want to intervene at any point, just put your hand up. If any of you have questions, please put your hand up. I want to turn it over to Marie to walk us through it.

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MARIE PATTULLO:

Thanks, Steve. I think we can do this pretty quickly. This Policy Status Report prepared by staff is going through the new policy processes that were put into place since 2015. So it's very much staff-focused, it's with staff's opinions. The EPDP—the main thing that everyone talks about there is expedited doesn't mean fast. We talk a bit as to that is a misconception, and the easiest thing is to not use the word expedited. That's straightforward. Also, on reading it, we have the impression that they were saying, "Well, it's faster than the PDP." Well, that's lovely, but PDPs can take five years. So that shouldn't be the benchmark. We're not being quite that snarky in our response. But we are suggesting that maybe there are some things that could be done to stop people dropping off the conveyor belt on volunteers, because no matter what they do, nothing ever happens at Board level or at implementation level. So you can read that what I've said is basically what's there.

Steve, if you scroll a little bit further, the GGP, now that is the first time it's ever been used. We were incredibly fortunate that Lawrence was a member of the GGP. So the bit you see in blue is Lawrence's personal experience, which could not be more valid. Don't worry, we'll remove the blue when we file. Again, we found some of it to be criticism from staff. Well, you didn't come up with this solution. The GGP was not tasked to come up with that solution, which we found a little disingenuous. Again, if you keep going, Steve, it's more or less—

STEVE DELBIANCO:

Lawrence, anything you want to add on GGP? Marie's covered it, we're good.

LAWRENCE OLAWALE-ROBERTS: No, I just wanted to highlight an important part, which was the GGP, the outcomes were heavily directed by staff, the remits were narrow. And even where the members felt that some outcomes could be broadened, we were continuously told that those were outside the remit. So definitely there has to be some kind of mechanism where the Council can always go back to revisit certain important outcomes that are thrown out in the process of working in a GGP. Also, we noticed that there were lots of other groups working on the same issues. So, to a large extent, we have to keep trying to harmonize with what was going on in other quarters. But aside from that, Marie's captured the points well.

STEVE DELBIANCO: My question for you is does the GGP start off by Council defining a Scope document or Charter?

LAWRENCE OLAWALE-ROBERTS: Yes. A Scope document was put together by staff. At every point where we tried to—

STEVE DELBIANCO: I understand. But I asked you, does Council approve the Charter which includes the scope?

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LAWRENCE OLAWALE-ROBERTS: I will say they do.

STEVE DELBIANCO: All right. Second, this has happened to Steve Crocker and I on the Standing Committee for RDRS. If the chair wishes to say, "Sorry, Lawrence, it's out of scope," it might be out of scope in their reading of the Charter but that is subject to challenge. But more importantly, Council can revise a Charter after it's underway, if there's sufficient drive to do that, but it will run into a political buzzsaw. So I think you're right that during the initial framing of the Charter is when we have to ensure that the scope is broad enough. It doesn't help to figure that out later because it's almost impossible to get the political forces to allow us to expand the scope.

LAWRENCE OLAWALE-ROBERTS: That's right, and that's taken.

MARIE PATTULLO: They share also a Council liaison, so one of the councilors acts as liaison to every working group. And that should also be there all, Steve. I don't know if you have one for the small team. But they should be able to say there is a disagreement within the small team as to the scope and go back to Council for Council to amend or to explain.

STEVE DELBIANCO: GIP?

MARIE PATTULLO:

This hasn't been used. But as you see, I mean, really, I will suggest to people instead they read it later. But what you're mainly going to see is that we don't think we need yet more different policy procedures. The ones that we have, if used correctly, which includes the word that you just used, which is scoping, in particular for the Charter, so we don't spend ages going around in circles trying to clarify issues. Although they don't raise it, we do at the bottom, which is the Operational Design Phase. BC Members will remember that this is something that came from high down, it was not the other way around. The idea being that Board has enough information as to how much it will cost and what the time and the finance will be and the resources will be to actually put into place the recommendations put forward by a report. But this also needs to be looked at to see if it works, because all of these extra steps create more and more time. And something we return to more than once in the document is that—please remember that what we do within the GNSO and then when it eventually gets adopted by Council, that is not the end of the process. The process is then that the report and the recommendations go up to the Board, eventually who adopt, eventually you set up an Implementation Review Team, and we all know how long that takes. So I guess we did take a little bit personally that the finger was being pointed at the community for the time taken to deliver final reports. But what happens after that? Any comments, please let Steve have them. Thank you very much for the time.

STEVE DELBIANCO:

Any hands raised right now? Steve Crocker, please.



STEVE CROCKER: In addition to all the things that have been said, which are focused on process and cost and time, one other criterion that might be interesting to include is whether or not the results actually are effective. We've been trying to socialize a brand-new concept that has not been part of the multistakeholder process before called fit for purpose, which is intended to be more fundamental even then, whether everybody had their say and whether consensus was reached. Full stop.

STEVE DELBIANCO: Excellent point. Who else who would join us in the fit-for-purpose crusade?

STEVE CROCKER: Who do you need?

STEVE DELBIANCO: Well, if we don't have the Board on our side, then we're just fighting inside of council.

STEVE CROCKER: Well, there is one successful worked example where the notion of urgent request got quite a lot of consideration during the Implementation Review Team process, and it was viewed as out of scope over and over and over again. And finally, the Board got involved and said, "Yeah, that makes sense," and they set it aside. So even

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though the process was far down the pike and recommendations were forwarded up through the working group up through Council up to the Board, the Board finally said, “We can’t go forward with that aspect because it doesn’t work,” and set it aside and said, “That’s got to be revisited.”

STEVE DELBIANCO: No small venture because it was the governments who insisted on the urgent request. It’s clear that the ICANN Board pays a lot of attention where the GAC starts to squeak.

STEVE CROCKER: Yeah. Part of the dialogue less visible than some of the other was politely and quietly challenging the government people, what was the basis? What do you actually need? And so forth. A lot of common sense stuff that just had been overlooked in the process.

STEVE DELBIANCO: So, Steve, I have a placeholder in this Google Doc. And it would be great if you could give us a sentence that would put it into the next steps, because it’s not part of what they have delineated we’d like to add. All we need is two sentences.

STEVE CROCKER: I will try.

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STEVE DELBIANCO: The link to the Google Doc is in my policy calendar where it says, "See current draft Google Doc."

STEVE CROCKER: What's your timing on this?

STEVE DELBIANCO: Submitting it Monday.

STEVE CROCKER: Monday. I'm going to be traveling this afternoon. I will try to get to this while I'm on the road. Thank you.

STEVE DELBIANCO: Thank you. If it's difficult for you to do it in a way that you're accessing the Google Doc, you can e-mail it to Marie, Lawrence, and I, or BC private. And one of us will put it in.

STEVE CROCKER: Understood. Thanks.

STEVE DELBIANCO: Thank you. Any other questions on this? Marie, thank you very much. And, Lawrence, thanks.

Next topic up here is NIS2. We did discuss this in a relatively guarded fashion when we were together in Kigali. But the most important

outcome over the last several weeks was that Belgium adopted their transposition and published it late May. And it is a very strong new set of requirements on the registrant data disclosure, but also on data accuracy. If a registrar or registry becomes aware of inaccurate data that is not corrected by the registrant, they are supposed to disable access to that domain name, not the IP address that housed it, but rather the domain name. This is clearly getting a lot of attention from contracted parties, someone who thought it was only a draft and hadn't been adopted. But, Marie, I think you said it's adopted. And they're very worried that other countries might follow suit. That brings me to the text in yellow.

The Netherlands has an open consultation, and Mason has done the hard work of proposing and drafting a BC comment to the Netherlands. What Mason did was started with what we submitted late May for Sweden, then updated it to include a little bit of a reference to Belgium. It's a little bit different in Sweden than it is in the Netherlands. So that draft is a document that I'd like to display for purposes of having a quick discussion since we are going to submit this on Monday. So I will change the share to cover that document. Mason, I will let you lead your colleagues through any aspects of this that you believe need attention because they differ from what we submitted on Sweden.

MASON COLE:

Thanks, Steve.

STEVE DELBIANCO:

Steve Crocker, your hand is up. Is that a new comment?

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MASON COLE: I defer to Steve.

STEVE CROCKER: I'm afraid so. Just quickly, the requirement for accuracy is interesting in light of the renewed work that ICANN has just fired up on privacy and proxy implementation. So just to get everybody's attention, one could view privacy and proxy services as running exactly counter to accurate information about registration.

STEVE DELBIANCO: Excellent. Thank you. Mason?

MASON COLE: Thanks, Steve. This draft comment does not differ very substantially from the Swedish comment. The Swedish comment, as you might recall, was important to submit because what was proposed under the Swedish transposition was that legitimate access requesters for WHOIS data were identified mainly as law enforcement, and really no one else. So, the BC felt like they needed to push back pretty hard on that categorization because there are plenty of others who are deserving of WHOIS data access for various reasons.

This particular Netherlands consultation is much stronger. What we did was go through the document. Basically, we took out references to Sweden, took out the section that was a hard pushback on identification of specific types of requesters, and then concluded the statement with,

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as you see here, Steve's scrolling through, there's a list of something like 18 organizations that have endorsed our recommended implementation steps for Article 28. So that's what you're looking at right here. Oh, the other thing that was added in here was, as Steve pointed out, a reference to the Belgian transposition because it was so strong. Marie, thank you very much for that. I'll make that change.

So what you're looking at is basically an updated version of the Swedish comment, taking out references to Sweden, reaffirming the points that the BC has historically made in our inputs to various jurisdictional governments on NIS2. There's really not much more to say, except that it's pretty consistent with what we've done before. All right, Steve, back to you.

STEVE DELBIANCO:

Thank you, Mason. BC members, is there any objections to filing this on Monday? I will send an e-mail around after this call so that people who weren't on the call will have an opportunity. But it's so much easier for you to make edit suggestions while we're all live like this with the authors of the comment. Seeing no hands. We'll put this in and then post it to the BC website. Thank you, Mason.

Go back to the policy calendar here and scroll down to Council. So we'll start with Lawrence. You and Marc our councilors. Vivek is our councilor elect. Lawrence, I know that you did an update this morning, but I'll let you refer to that as you walk us through, not only in what happened in Kigali, but anything you have to say to us about what the next Council meeting will be like on the 18<sup>th</sup> of July. Go ahead, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Thank you, Steve. First off, Vivek fell under the weather and sends his apologies. Brenda, please kindly note that. At the Kigali meeting, we had quite a full plate. We had two resolutions slated for the vote. But one was withdrawn on the strength of the BC. The Policy Status Report request for expiration policies went through the Board. The history around this, the GNSO Council sometime back wanted to find out if there was need for a Policy Status Report, and after a lot of deliberations, felt that they could step down that process. Staff were quite overwhelmed and could use their resources elsewhere. But at the Kigali meeting, we voted in favor of the Policy Status Report, which will mean that a process is kickstarted to review Board's expiration policies and see if they are still fit for purpose. There were no strict timelines provided such that if staff still had to work on the RDRS on really the next round, this process will not become a hindrance to the timelines that had already been set. So we expect that in a year or so, we should see some reports on this and we'll be able to fund in areas that we think or the members think the expiration policies could benefit from further review.

Another issue that was discussed that took a lot of time in discussion was the Accuracy Scoping Team progress. I will beg Marie to help out here if she can, but you will recall that there was a small team on Council that was put together to look at this issue of accuracy of registrant data, and they requested for some further information. This information definitely should be generated from the contracted parties and the huge roadblock. ICANN's stance is that the Registry Agreement does not allow them to provide such level of information to the working

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group. And aside from that, with the GDPR and other laws, it became quite more difficult for the small team to assess the information that have been requested for.

At some point, the Kigali meeting, we were asked to go back to our members to find out what their thoughts are on a way going forward. Some members feel that we should take this issue off the discussion list, while some others feel that based on the evolving developments like NIS2 that ICANN could be forced in some way to address this particular issue. I would like to pause at this point to take members' comments and if there is any information that might be helpful for those of us on Council, I want to take that at this particular point.

STEVE DELBIANCO:

Lawrence, I have a question for you. On the highlighted item, this aspirational statement, what is the rationale for that? Is there an example given where a councilor or a stakeholder group tried to undo something?

LAWRENCE OLAWALE-ROBERTS:

That's a different issue now from the accuracy topic. At the Council's SPS in November last year, there were some discussions around the fact that when working groups bring issues—I mean, after the working group has done its job, reached some form of consensus and bring it to the Council that councilors should not vote against such recommendations, partly because our members will have also had an opportunity of participating in the working group. Some of us including members from the BC, especially myself, made Council aware of the fact



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that we are directed on how we should vote on Council, and so not minding what the outcomes from a working group are, we will definitely have to pander to the wheels of the BC on how to vote. Even with that, an aspirational statement was brought up. The link is there in this document, we can review it later. Basically, it was to address the fact that once a PDP or an EPDP, whatever the working group is, however the results, as long as they are true with their work and they submit a final report where you're supposed to endorse this, I feel that this was a fallout of the SOI issue and some other issues where votes didn't go according to how my thinking the contracted parties will have wanted it to go.

The BC had a kind of a split view on this, the Kigali meeting. I mentioned the fact that while it is now set to be a nonbinding aspirational statement, it means that if it is not binding, we don't even need it in the first instance. My partner in council feels that it is something we can live with and this can definitely be voted to pass through, and we continue to vote as directed. Because of the BC's position that was split at the Kigali meeting, we were asked to harmonize our position. I would like the BC to direct on how we go about this.

STEVE DELBIANCO:

What would be your initial proposal? I know we have some time on this. It's not until the 18<sup>th</sup> of July. But if you had a proposal for what the BC position might be, could you circulate that perhaps through e-mail?

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LAWRENCE OLAWALE-ROBERTS: I can do that. My proposal plainly is that if we are supporting an aspirational statement of this nature, in the event that the BC has a Minority Report that you would want to present on any issue, this could be an instrument to stop us from doing so. And should the BC also would like to vote against a general view, like we have done in the past, because we strongly feel it will negatively impact business, I believe that this could also be a mechanism to counter such position. So I personally feel that as long as others within the Council know that we are directed, it should be respected to that point. Even if this passes, it would at least be on record that it wasn't supported by the BC.

STEVE DELBIANCO: I think that's outstanding position. We should not allow them to be used to box us in or box us out. Let me give you an example. When the SSAD, the very large, very expensive system, was first proposed and costed out. Do you recall that the BC voted no? We voted no at Council. With or without a minority, it was a directed vote of no. So therefore, we shouldn't be restrained from arguing for why the SSAD was inappropriate. We didn't say it was inappropriate because of the cost, we didn't know the cost at the time. We said, "It is not fit for purpose," because it does not in any way require a disclosure when one meets an objective set of requirements for legitimate interest. So you're exactly right. Please, in your draft, think about writing up an example like that. When we vote no on something and/or do a Minority Report, then you should have fully expected the next directive vote on something is probably going to reflect that position. I think that's a great angle to take. If you feel like putting anything in writing, you could circulate it to BC private prior to the 18<sup>th</sup>.

LAWRENCE OLAWALE-ROBERTS: All right, noted.

STEVE DELBIANCO: Are there any questions on what Lawrence covered on data accuracy and the other elements? Okay. Thank you, Lawrence. Anything further?

LAWRENCE OLAWALE-ROBERTS: Not at all. Thank you.

STEVE DELBIANCO: Great. All right. Now I'll go back to share the previous policy calendar, the one that I had sent around. Great. Okay. So scrolling down into the other activities in Council. Arinola, I know you're on the line, Zak is not. What's the update on Transfer Policy?

ARINOLA AKINYEMI: Okay. Thank you, Steve. The update is just, as Zak reported in Kigali, we are rounding our activities, and we're finalizing report for public comment by the end of August.

STEVE DELBIANCO: Outstanding. Thank you. I don't see Nenad on the line to cover number two. So I'll go straight to number three, which is the RDRS. We've already discussed earlier, but Steve Crocker and I would like to use your

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indulgence for about a five-minute discussion of what happened in Kigali and where we go next.

In Kigali, I would say that we learned through three different sessions on RDRS. We actually learned a lot about the previously unrevealed, but strongly suspected positions of the registrars. They each look at the so-called balancing test as mostly between the request that came in and their perceived risk that they might be fined under GDPR if they were to disclose it. They're not looking at as the balancing test between the registrant's interest and that of the requester. We also heard what Sebastien Ducos—he's the chair of the Standing Committee—he shared his thoughts openly when he said that for 20 years—he calls it the IP community but it's the business community—the business community has had access to WHOIS information. "It's not my responsibility," he said, "to continue to give you what you're used to getting. It's not going to be their responsibility to help you do an investigation. You'd have to show up with the proof if you expect us to do a disclosure." GoDaddy stuck to that line even at the sessions the next day hosted by the Registrars. So we also learned that the registrars themselves have different perceptions that evolve over time about what their level of obligation is to disclose. Some of them regard their captive privacy/proxy services as part of their systems, and some do not. So they will often say it's public, when all that's public is the fact that it was a privacy service.

Beyond that, we had a handful of a metrics that came up. I've included the presentation that was there. I've included on here the fact that the Impressions document reflected some improvements, and there were a handful that were just released on the 25<sup>th</sup> of June to where when

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you're filling in a request, your address and phone number required, your organizational affiliation field is new. And it's optional, not required. And they doubled the character space for all open text boxes, which I think is something we had all asked for. This is in keeping with what Sebastien believes as the severely limited scope of the Standing Committee, believes that the Standing Committee should not deal with questions about what constitutes a legitimate request, what is the basis on which a registrar will make the determination of the balancing test. None of that he believes can be there, and he's chairing it. He works for GoDaddy. His belief is that the small team's job is to strictly look at the software and the statistics towards the deliverable. He says they want to deliver a better product than the letter that Steve Crocker and I are going to talk to you about. While delivering a better product was referenced in the first sentence of his letter when he said, "Next on suggesting next steps for the RDRS." He believes that's our output is to make a recommendation to Council on what to do with the RDRS for the greater SSAD. We, are at this point, probably 16 months away from the deadline of the two-year pilot project that is happening here. So we have a recognition during ICANN80, and even ICANN79, a recognition that the requester and the registrar communities need a place to be able to discuss a place that doesn't necessarily mean that the CSG hosts the session, and then later on the registrar hosts to session, but it might be okay if they host regular sessions. But Sebastien is asking Council to facilitate conversations directly or to invite all the different stakeholders to do so collaboratively, keeping the small team abreast of their progress. So he is not interested in expanding the scope with the small team. And Steve Crocker wanting to turn it over to you. You sent an e-

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mail to the BC which I can put up about the progress of revising that letter, which we have to have done I think by next week.

STEVE CROCKER:

I'm happy to engage. Thank you. I think it's helpful to look at the back and forth on the improvements of the RDRS as falling into two buckets. One bucket is sort of fiddling around the edges to improve the user interface to the things like insisting on getting the address and information of the requester and all of that. The other bucket, which I think remains empty, is dealing with the substantive issues of how do you know whether or not a request is going to be accepted, what are the legitimate bases for asking for things? And the registrars, of course, are quite different in their levels of response to these things. GoDaddy, I think the record shows it has been turning down almost all requests, whereas others have been responding affirmatively to essentially equivalent requests.

I copied some back and forth within the Standing Committee. I think the term small team has been deprecated in favor now of Standing Committee, as best I can keep up with all of this. So anyway, I copied just for the convenience in this setting here, in the handful of messages, there's only about a half a dozen or so. But it was I thought illuminating to see some of the attitudes come up particularly Sarah's. I have to say, Sarah is a delightful person very, very conscientious and very well intentioned. So any criticism that I have is really at a much deeper level. She is doing a first-class job of representing both Tucows and the Registrar community. As part of that, I would say, paying zero attention to any larger issues like whether or not all this works and what the

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public interests are, and so forth. So you can see, you can read this as fast as I could talk.

STEVE DELBIANCO:

Steve, you're so right. Your last reply was exactly right. For Sarah to suggest that the registrars and registries are no different than the rest of the ICANN community, we all have our places, is ignoring the fact that there's a privileged position for the registrars and registries as direct counterparts to ICANN's contracts, and that most of what ICANN does in response to serving the needs of those two contractual communities. Patrick has got his hand up. Go ahead, Patrick.

PATRICK FLAHERTY:

Hi, there. Thank you. I just wanted to add that the other thing that I didn't particularly like coming out of the Kigali meeting was this storyline or narrative that the registrars kept repeating, which was for brand owners trying to do enforcement, historically, you always started with WHOIS, find something else new to start with in order to do your enforcement. That just doesn't sit well with me. I did not like the fact that they kept on repeating that over and over again at different meetings. WHOIS has always been or requesting access to domain name registration data has always been the starting point when it comes to doing any type of enforcement, and it will always be needed. Brand owners are going to want to continue to start that way. So this idea or this suggestion by registrars that we should do something different when it comes to enforcement, no thank you.

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STEVE DELBIANCO: Keep in mind that Sebastien's position is every bit as stubborn as Sarah's, as the chair of the small team, the Standing Committee.

PATRICK FLAHERTY: Yeah, I agree. I just don't like this spin that they're trying to put on it. It doesn't make any sense whatsoever.

STEVE DELBIANCO: Would you say that any of the improvements just released are beneficial to Verizon for whom you work? They're right here on the screen.

STEVE CROCKER: What's the question?

STEVE DELBIANCO: I asked Patrick, from his perspective, these three improvements I have highlighted in yellow are a benefit to his work at Verizon when he puts in requests.

PATRICK FLAHERTY: I guess I don't think there are helpful. I'm not against them. I don't think they're negative. I think in particular, number three, increasing the 1000 to 2000 is helpful. But I will say that when it was 1000, we were still getting disclosures from certain registrars, which is 1000-character. And also, in submitting those requests, I did not attach things like—I did not attach a cease and desist letter, I did not attach a certificate of



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registration. We kept it very plain and simple and made the most use possible out of this idea of the template. We kept the wording really generic within the template to make it easier for us to more systematically submit requests to the system. So, increasing it from 1000 to 2000, I'm okay with that because we have plenty to say. But we were getting responses even with the 1000-character limitation. Other registrars, they were saying no and saying that they needed more information, but without any specificity around what that other information was. I hate to say it, but I assume that even with a 2000-character expansion, they're still going to say the same thing to us that they need more information without articulating what that other information is.

The other things about wanting to know exactly who you are and who you're representing, your contact information, and wanting specifics like an address, and e-mail, I'm fine with that. We've already been submitting that, so I don't have any problem with that. But I don't think these three changes will dramatically change our user experience.

STEVE DELBIANCO:

Steve Crocker, you and I are supposed to be on a Standing Committee call on Monday. I'm traveling that day. Are you able to be on the July 1 call?

STEVE CROCKER:

Yes. Let me double-check. Which call are we talking about?

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STEVE DELBIANCO: The Standing Committee RDRS.

STEVE CROCKER: Let me double-check here. Well, I do not have that on my calendar.

STEVE DELBIANCO: Maybe they have pulled it. We could be so lucky.

STEVE CROCKER: Are you sure it's on Monday?

STEVE DELBIANCO: RDRS Standing Committee, Monday, July 1 at 1:30pm. It's on my calendar. Why don't we both check that and I'll do my best to dial in while traveling.

STEVE CROCKER: Okay. So the short answer is I am available at that time. That's the good news. And the bad news is it's not on my calendar. That probably means that I didn't transpose it from some message. I will look for it. Thank you for mentioning it.

STEVE DELBIANCO: Thank you, Steve. All right, I'm going to scroll down to the next item on subsequent rounds of expansion. Ching is on the line.

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PATRICK FLAHERTY: I had one other quick follow-up, if I could.

STEVE DELBIANCO: Sure. Go ahead.

PATRICK FLAHERTY: Just coming out of the meeting as well, especially the working or the workshop that we had to go through good examples or just examples in general a request going into the RDRS. Some feedback that we got from that was really interesting, which was in talking to some registrars, they were disclosing requests even to people who didn't accurately use the proper drop-down selection, including, for example, people who submitted requests on behalf of law enforcement or whatever that category is in the drop-down, I forget. And even in reviewing the request, they figured out that this person was not a law enforcement person, they still made a disclosure, because they saw it as a "oops" or a mistake, but not something detrimental to their so-called balancing test and then made a disclosure. So I say all of this, just because in the reporting that's coming out, those discrepancies, so to speak, are not reflected in the breakdowns that they're doing on the reporting. So some of those that they're approving from law enforcement and then reporting it out as a disclosure to law enforcement, it actually wasn't. It was disclosed to somebody who made the incorrect selection of law enforcement.

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STEVE DELBIANCO: Steve and I will bring that up on Monday's call as a reflection of Kigali and ask, "Is there a material number of these mischaracterizations that should be crewed up before we report the data out?"

PATRICK FLAHERTY: Yeah, or they just need to realize that there are going to be some possible mistakes and that's going to skew some of the data. So they just need to keep that in mind when they're looking at it and not taking the stats as gospel.

STEVE DELBIANCO: Thank you. Ching, can you tell us about subsequent rounds of gTLD expansion, SubPro?

CHING CHIAO: Thank you, Steve. Very quickly. The SubPro IRT just passed its 50<sup>th</sup> meeting. So the group has been meeting pretty much every week or every other week. Reason, hard topics definitely include the application fee, also the RSP fees. And obviously, in the Kigali meeting after the GAC announced once again, actually, against the private auction. So this is also another topic of interests. So please keep an eye out on the fees and the auction, the topics, and also I'll bring out anything interesting probably in our next call. Thanks.

STEVE DELBIANCO: Thank you, Ching. Marie, over to you for CSG.

MARIE PATTULLO:

Thanks, Steve. I'll keep this quick. You know that we had a meeting with our colleagues in the NCPH, the Non-Contracted Party House in Kigali. And I'd like to stress something that seems to be forgotten sometimes. This is half of the GNSO. We get a lot of noise currently about the Contracted Party House and their meetings, everything they do. This regular meeting of us as a house is quite new and it is important, because if we are going to build alliances and make friends, we do actually need to talk. And the meeting was good humid. On Team 14, which is how we appoint a new Board member, we don't have any progress on that report at the moment. What we have agreed, though, is that that team is not going to look at how we agree within the house on who should be the leadership of the GNSO Council. For the moment, and this is an idea that came from the BC, we socialized it within the CSG and it seems to be getting traction, is that we think the current leadership team with Council should stay in place, thus be reelected in November. We based that on Lawrence or Marc on our own feelings. So unless anyone completely disagrees with that, in which case, please let us know.

We are trying to get together in Istanbul. Again, we would like to have a session on the agenda actually during the meeting itself. And then of course, there's the famous Day Zero, which is an attempt for us to have a sit down technical one-day meeting, which is very, very hard to do. Because apparently finding a room for about 20 people with a water cooler is really hard. Not that I'm pointing out in any way that the entire Contracted Party House went to Paris for a week. I might be exaggerating. I think it was only five days. But I come back to half of the

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GNSO here, and God bless our chair who's got this on his shoulders together with [inaudible] from the Non-Commercial, who is trying to work towards the Day Zero. And for information, but Lawrence can help me out on this one, the Non-Commercial side has changed their chairmanship. If I get it right, Lawrence, the chair of the Non-Commercial Stakeholder Group forthwith will be Rafik, and the chair of Non-Commercial Users Constituency, I forget, NCUC is correct, will be Farzaneh. Is that right?

LAWRENCE OLAWALE-ROBERTS: No, Farzaneh is coming to Council. The incoming chair of NCUC is Wisdom Donkor.

MARIE PATTULLO: And Farzaneh is going to Council? So it's going to be quite lively on the NCSG side.

STEVE DELBIANCO: Any questions for Marie as our CSG chair? Mason, I'll turn it back to you with one thing that we didn't cover in Kigali. Since it was an open meeting, we didn't discuss this much about your Executive Committee met with Alan Davidson and his staff from the U.S. government Commerce Department. We made two appeals to him. The first was to try to meet with the new CEO of ICANN, use NTIA in the U.S. government's influence, to encourage them to do two things, to try to remember that ICANN is not just a trade association for the contracted parties but has broader representation to serve the community. And

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number two, we gave an example that registrant data is necessary for even social media platforms to determine whether election disinformation is arising from a legitimate source. So just investigating the website, the domain name that was sourced by a user of Facebook or social media, requires being able to know who the registrant of that domain is. That example really hit home with Alan Davidson, who's a political appointee in an administration that's up in a tough reelection this year. So I thought that was rhetorically very useful, something that Mason and Margie came up with. So I wanted to share those two elements verbally with everyone. I do think that Alan will take them to heart. Back to you, Mason.

MASON COLE:

Thank you, Steve. Good report. There's a lot going on right now, and thank you for staying on top of everything for the BC. Any updates or follow-ups for Steve, please?

Okay. We are at item number four on the agenda, which is AOB. Any outstanding business from the BC, please? Okay. Brenda, our next call 11 July at the normal time?

BRENDA BREWER:

That is correct.

MASON COLE:

Okay, very good. All right. If there isn't anything else, then I will donate four minutes back to your day. We'll see you on the 11<sup>th</sup>, if not sooner.

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Please watch the list for lots of work updates coming your way. With thanks to Brenda for the support. BC is adjourned. Thanks, everyone.

**[END OF TRANSCRIPTION]**