
BRENDA BREWER: Hello, everyone. Welcome to the BC Membership call on 7 April 2022 at 16:00 UTC.

Today's meeting is recorded. Please state your name before speaking. Have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. We do have apologies from Tola Sogbesan, John Berard, Claire-line Lallemand. And with that, I will turn the call over to Steve with the Policy Report. Thank you.

STEVE DELBIANCO: Thanks, Brenda. We're doing the policy calendar. I circulated an updated version about an hour ago because Arinola was able to obtain the very latest of the Standing Selection Committee charter draft. So we haven't filed anything since our call two weeks ago, there haven't been any closed public comments. So I'll just simply look at a couple of open public comments right now.

The first is that the UDRP, the Uniform Domain Name Dispute Resolution Policy finally has a Policy Status Report, and they had done one of these apparently 10 years ago or so. This report would become the framing for a charter on a Phase 2 working group that's going to review all ICANN Rights Protection Mechanisms, just in time for the next round. Now, we were good enough to get volunteers from the BC to start to prepare that draft. Andy Abrams circulated a first draft. Andy and Zak got together earlier this week and came back with a revised draft, and that's what's attached right now. So this is still in the hands of a drafting team, which besides Andy and Zak also includes John Berard

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.

and Marie. Vivek just recently joined that as well. So I'd like to defer to the five of you to work through to come up with a draft that you're comfortable with that you would present. Now, to that I added something that we did back in 2019, even something we did back in 2013, almost a decade ago, talking about the need for standardized mechanisms to administer the UDRP and see whether you thought you could work that in. I think that Zak worked into the edits that he proposed. But is there anything that the five of you drafters would like to discuss or run by the BC membership right now? Anything you want to talk about?

ZAK MUSCOVITCH:

Steve, this is—go ahead, go ahead.

ANDY ABRAMS:

Oh no, go ahead, Zak. I was just going to say I don't have any specific items. I was going to say I think the good news is we're all in agreement that the UDRP is a good tool that we all want to preserve. And we all want to make sure that Phase 2 goes smoothly and runs faster than Phase 1. So we're on agreement there. I think we're still having discussions and I still think we need to sort of iron out the final draft around the edges is around certain improvements. And again, these aren't core to the UDRP. I think we're on agreement there. But there's some perspectives that are a little bit more brand owner-centric or a little bit more registrant-centric. So I think I appreciate your comments, Zak and Marie as well. So I think we'll finalize that and then we'll send it

out to the Membership to see if anybody has any strong opinions. But go ahead, Zak, if you have any specific comments,

ZAK MUSCOVITCH: I couldn't say it any better than that, Andy. So I'll leave it there. Thank you.

STEVE DELBIANCO: Zak and Andy, I'm going to invite you to consider this as well. It might be that the middle of page two, you have two different perspectives that are not really reconcilable easily. Well, you don't have to fight it out. You could put them out to the BC as Alternative A and Alternative B, and the membership, because we'll have several days to review that, can weigh in about where they go with it. We could even conduct a quick poll if we needed to. If it ends up that you have two positions that are actually not reconcilable, and yet, if you smush them together into some compromise, it wouldn't make any sense. So don't hesitate to put a fork in the road if you have to because we'll pick up the fork.

ANDY ABRAMS: That's a great idea, Steve. Thank you.

STEVE DELBIANCO: Thanks again, Zak and Andy. Let me go to number two. We have an opportunity to comment on a very extensive study done by an outside consultant on the root zone process changes. Now, the root zone is important to all of us because we need it to be secure but it's also really

important to those of you that run TLDs of your own. I'm looking at Amazon, I'm looking at Google. At this point, I'm not sure we have any other BC members that are running their own registries at this point, their own TLDs. But if that opportunity comes about, well, there may be things in that process improvement that you're not comfortable with. So I was hoping to recruit a volunteer from Amazon or Google to do a review of that report and see whether the BC would like to submit a short comment on it. Do I have any takers? Any takers on that? Because there's a chance that if we don't, we will not comment on it at all, it closes on the 25th of April. Again, this is just root zone process changes. All right, I'm not seeing anybody. I'll go to number three.

This one is a carryover from previous calls and it's our ongoing effort to be helpful and influential with the trialogue in the European Commission. Trying to move towards a NIS2, it would be helpful to help us protect our consumers. I wanted to see whether Andrew Bennett would prefer to give us an update on where we are or to seek any other assistance. I don't actually see Drew on the call. So it wouldn't be coming from Drew. Mason, do you have any updates on the outreach to the European Parliament?

MASON COLE:

Thanks, Steve. Drew and I've been consulting a bit. There's one more opportunity with the TRIALOG to influence the discussions on NIS2. Drew has already produced an initial written draft what that communication might be. I believe there's not a hard deadline, I don't think. But there's an approaching deadline coming up at the end of the month that we need to try to hit. So the idea is that we'll formulate that

communication. It will be sent out by me as chair. That, I believe, is our last opportunity to influence the dialogue. I could be wrong. Marie may have some more information on that because she's a little closer to it. But if not, I'm happy to get an update from Drew and forward that to the BC as well.

STEVE DELBIANCO: Thank you, Mason. Marie, anything to add?

MARIE PATTULLO: No. Pretty much what Mason said, as you know, they're still trying to get it done within the French presidency. That means by the end of June. There's been a lot of outreach going out in various non-BC ways. We've spoken to the rapporteur, to a number of people in the different national delegations. I don't have anything else solid. If I do, I will, of course, let you know. Thanks.

STEVE DELBIANCO: Thank you, Marie. All right, we'll move to Council next. So I'll be turning this over to Marie and to Mark, our councilors. You see that we've already covered on the previous meeting what happened on the March 9th meeting, and now we have a pretty detailed agenda for the next Council meeting, which is the 14th of April. I've put highlights from several items in there. Those highlighted items happen to coincide with areas where certain BC members work on small teams or working groups so I've sort of combined those two sections of it. So Mark and

Marie, as you go through it, you can call on those of us that are part of those small teams to weigh in as well. Go ahead, Marie and Mark.

MARIE PATTULLO:

Thanks, Steve. Unless Mark disagrees, in the interest of time and of efficiency, I think it's better that the expert members who are involved in these take us through number three because they will be able to add much more. Thanks.

STEVE DELBIANCO:

Is that all right with you, Mark? Then we'll turn to you for the DNS abuse piece.

So the first item was item four, which is the SSAD. We just had a presentation on the front end of accreditation and identification from Mike Palage and Frank, but what I'm telling you is the same thing I described when I asked him a question is the small team could really only come to agreement on a ticketing system that is a centralized way of collecting who's submitting, what are they asking for, are they getting any responses? That report which is attached, the first attachment, the EPDP Phase 2 Small Team Ticketing System, and that was submitted to Council and will be a discussion topic next week. I have to say it's not going to involve the kind of thing that Frank and Michael presented unless they were to convince a significant number of small team members that it was a worthwhile pursuit. Does the BC Membership have any questions for me on the pushing of the ticketing system? I'm always channeling Alex Deacon on that. We don't really have a sense from ICANN Org what it would cost to do.

Okay. I'll go to the next one which is the overview on the Curative Rights for International Governmental Organizations. For this, we're represented by Jay Chapman on the working group. Now, Jay has worked on that but also discussed with Zak and Andy Abrams, tried to come up with a compromise position with respect to what we do about de novo challenges. There's currently a draft motion to accept the EPDP Final Report. So that motion is not worth looking at but the report is, and so I put a link to that report. I wanted to ask Jay, Zak, and Andy if you'd like to tell us a little bit of what's in that and what the BC position is likely to be? Zak and Andy?

ZAK MUSCOVITCH:

Hey, Steve. Maybe this is something that is best left to Jay to deal with.

STEVE DELBIANCO:

Jay is not on our call today so it's one of the reasons I was turning to you guys. But we have discussed this on three of the past four BC calls because it's a complicated process. But it's one where it looks as if you, Jay, and Andy have a compromise in mind. I'm anxious to see if that's what made it into the final report. In other words, if you guys did the hard work of coming up with the right solution, did they adopt yours in the final report? Can you figure that out and let us know?

ANDY ABRAMS:

Yeah. We'll take a look at that, Steve. Do you know, Zak?

ZAK MUSCOVITCH: I don't know. I haven't looked at it recently. But yeah, we can get back to the group on that.

STEVE DELBIANCO: Great. It looked like you had the right solution and you were pushing it into meetings. Jay was pushing it into meetings. I don't know whether it made it in there. Thank you.

Item six. Mark Datysgeld, you're the co-lead of the DNS Abuse small team. Your draft work plan has multiple phases and you're going to be part of the discussion on the on the 14th of April Council meeting. Tell us where you have things currently on the DNS Abuse small team.

MARK DATYSGELD: Thank you, Steve. That is correct. We have finished gathering input from most stakeholders. One thing that is missing right now is the IPC's feedback. We don't know exactly what's going on over at that sense. I'm wondering if Tim perhaps has the information on when is the next predicted point for us to reach out to them, or when their next public meeting is, the Constituency meeting is, because so far we haven't gotten feedback from them. Otherwise, some pretty interesting data coming in very much favoring the point that we are trying to push forward, actual solutions that seek to address the existing problems, actual enforcement of contracts. We are currently drafting a letter to the Contractual Compliance, which considering the status of the group, they will have to answer, which should be pretty good. So, a lot of interesting material coming together. When I mentioned the IPC, I mentioned that especially because since they haven't provided their

input yet to our survey, we could try to align some points with them. But I don't know exactly how the process is. I wonder if—

STEVE DELBIANCO: Mark, we're not hearing you.

MARK DATYSGELD: Can you hear me now?

STEVE DELBIANCO: Okay, you're back.

MARK DATYSGELD: Tim, do you have the info on when the CSG would?

STEVE DELBIANCO: No, we do not.

TIM SMITH: No. There's a call for a meeting and we're trying to arrange a date at this point, but nothing has been finalized at this point.

MARK DATYSGELD: Perfect. I'll be reaching out to them individually then in order to try to find out if we can work something out. Apart from that, the contracted parties seem to be on Board, I would say. They seem to be very much

cooperating with the process, which is pretty good. We do intend to have the small team work wrapped up by the next ICANN meeting or not necessarily fully wrapped up but very much in a presentable state. So it will be full steam ahead in that sense.

STEVE DELBIANCO: When you say wrapped up, you mean all elements of your work plan including recommendations on next steps?

MARK DATYSGELD: Here's where we currently stand in terms of how the work of the small team will influence, let's say, future steps. Our current mission is to give the GNSO Council the material for them to be able to discuss this further. So, my strategy has been to not to try to make this the end-all discussion, because even talking with staff, it wouldn't be productive. We can reach some very burning final decisions, and then when it gets turned to the Council, they can just say, "Well, no." So to avoid that, I'm trying to the opposite route. We will discard the more, let's say, fanciful suggestions, try to stick to the very actionable ones that we can actually agree with, and then turn that back to the Council, but hopefully, by the time of 74. Fingers crossed on that. And from there, we can try pushing for a more lasting working group, Standing Committee, EPDP, whatever. At least as far as this first phase is concerned, that's the time we're currently estimating to be done. Hopefully, it is manageable. But I'm pushing very hard for us to have something by then so that we can keep expediting this and continue to for this to be a priority.

STEVE DELBIANCO:

Thank you, Mark. Any questions? Okay. Last item is called the closed generics. So there's a small team doing closed generics. Closed generics would be, let's say, a generic word like the word books, coming up with the .books gTLD. And if it happens to be run by a single company, would they leave it open so that anybody interested in books could buy second level domain names, or would it be closed to a single registry that's controlling it? If that were the case, are there consumer protections that are necessary or competition preservation measures? We did not have a consensus in the last round on how to handle that, but the GAC was quite concerned the closed generics should serve a public interest purpose. There should be some reason to close it to everyone that would be beneficial.

So at this point, ICANN is considering either no rules or really strict rules on closed generics. There's no way there's going to be consensus on those two approaches for the next round. Therefore, they're proposing a facilitated discussion in a framing paper which I linked to in the policy calendar. That would presumably lead to either principles or a set of ground rules or guardrails around closed generics. I can't even tell who's on the small team because it doesn't have a wiki of its own. I would ask Marie and Mark, if you can help me, you don't have to do it on this call, follow up with e-mail, let me know who is on that small team and how we can weigh in.

I'd like to turn now to Zak and Arinola to talk a little bit about the Transfer Policy Working Group. We held a call last week on the 31st of March, and I was ecstatic about the attendance for that call. It went very smoothly. You have Zak's summary of what the discussion was. So, Zak and Arinola, tell us about where we stand.

ZAK MUSCOVITCH: Thanks, Steve. Yeah, that was a great call. I believe we had about 12 people there in total to discuss these different kinds of transfer locks. Subsequent to the call, as you know, I circulated around the summary of the agreements that were reached in the course of the call. On Tuesday, Arinola and I read into the record this BC summary and submitted it in writing to the working group as well. Then there was a brief cross-examination of yours truly by some registrars on what we had to say. But the reaction to it was generally positive and in terms of they appreciated that the BC took the time to look at these things, and there'll be more opportunities down the road to further discuss these things and figure out where the BC stands on particular kinds of locks as that working group moves closer to calls for consensus, etc. Thank you.

STEVE DELBIANCO: What was the registrars' chief objection when they were grilling you?

ZAK MUSCOVITCH: They weren't too unfriendly, I'd have to say, Steve, although they did catch me a bit off guard with the cross-examination. I don't think I can point to one particular thing that they were particularly concerned about. They were more looking just for clarifications of what we had in mind here.

STEVE DELBIANCO: Thank you, Zak. Let me go to the next one up, which is the—I'll skip two. There's really nothing happening there. Susan Kawaguchi, if you're with

us today? Not here so I'll skip to ... Susan and Toba are on the Data Accuracy. I don't see either of them on the call. Toba? Did you have anything you want to tell us about the Accuracy Working Group?

TOBA OBANIYI: Hello, everyone. There's nothing new. We just finished the session. That's why I came late for the BC meeting. We're currently preparing a document to give a definition towards accuracy and let there be a guide for procedures going forward. There isn't much of it yet. But once there is, we will definitely share. Thank you.

STEVE DELBIANCO: Thanks, Toba. Any questions? Arinola, you're up next to talk about the Standing Selection Committee. As you know, I circulated the latest charter draft earlier. I can open that if you want us to, but it might be better for having you describe the real nature of what the changes are and whether the BC should be concerned about them.

ARINOLA AKINYEMI: Thank you, Steve. Well, what the SSC is doing is basically to update the charter so that it can reflect the current situation. We have a few things that were of concern to people, but I do not think BC really needs to be very worried about, apart from someone proposed we should have observers listening on the call, which was rejected, actually, basically across most membership, but that's about the only one that was [struck off] as something that should concern the BC initially, but since everybody is not keen on it, considering the delicate nature of the

duties performed by the SSC, that's about it. Then also the fact that there should be recourse to our constituencies for their feedback on every decision that needs to be made. That will be all. But if we could read through the draft shared, and maybe if you have positions that the BC would want me to take back to the SSC, I would gladly take it back.

STEVE DELBIANCO: I would volunteer, Arinola, that the full BC Membership does not need to see each and every decision that the Standing Selection Committee makes as it moves along the line of evaluating candidates. You're our representative on there, Susan was the original chair, we trust that our representative will help to make the best picks. So I don't think the BC wants to have micromanagement of every decision. It would be your option as our rep to ask the BC for input on a sensitive topic, and you could do so confidentially at BC private. Does that make sense?

ARINOLA AKINYEMI: It does.

STEVE DELBIANCO: Great. Any questions? I'm going to turn it over to Tim Smith, our CSG liaison. Tim, go ahead. I'll scroll when you tell me.

TIM SMITH: Yeah, Steve. Thanks very much. Much of this report has been presented before. Thank you very much for presenting on my behalf at the last meeting. So if you just scroll down to the bottom where I refer to the

March 29th meeting, where ICANN Org held this webinar on the draft planning prioritization framing. As I indicate there, there is a pilot that is about to get underway to, I guess, test or to frame planning prioritization. We, the BC, will be represented within the CSG by Susan Payne and Wolf-Ulrich will be the alternate, and that there were going to be four to five meetings coming up over the next month or so.

Now heard that in fact there was the first of those meetings that took place this past Tuesday, which was basically just a scene setter from what I understand in talking to Susan. So the process is going to be—and there is a workspace on this which is pretty brief at this point—but the process is going to be that the participants will review Board-approved recommendations from specific reviews that are pending for implementation. Then I guess over the coming month in the subsequent meetings, they will evaluate those recommendations with an urgent or important kind of status, and then have a wrap-up session at the end of that, which I guess will be sort of in advance of ICANN74. Then from what I understand the output, I'm actually reading from the work page here for everybody's benefit, but the output put is a list of prioritized Board-approved specific review recommendations to be published as a resource document proposed for adoption in the FY23-27 Operating and Financial Plan which will be presented to the Board for adoption in May 2022, so coming up in advance of the next ICANN meeting. So that'll make sense that there'll be some type of prioritization that takes place.

And then it turns out that the second phase of that is to assess those priorities against the resources required for their implementation. As a further step, evaluate possible dependencies among the prioritized

recommendations. So I mentioned that second part because it certainly seems to me that while the priorities will be set, they'll then be evaluated against different criteria so the initial priorities may be adjusted accordingly.

So very early in the process but it will be interesting to watch. I know in talking to Susan, she said that she would provide a little bit of an update of other activities that took place at the meeting. So we should know more in advance of any announcement or any further steps to the framework. So I just wanted to share that with everybody.

STEVE DELBIANCO:

Before you move on, if I could. It is a disappointment, although not for lack of your effort, whenever ICANN forces the CSG to have only one rep covering the IPC, the BC, and the ISPCP. That only serves the interest of the NCSG and the contracted parties because they get the cabin us as if we are just one stakeholder, as opposed to three stakeholder groups who happen to be forced onto the label of the Commercial Stakeholders Group. So you should know that as our rep, you should always persistently but politely resist forcing us into a single vote or a single representative. We would always prefer to have three. Now, often that means that the NCSG says, though, we get three as well. We often can't avoid that when it comes to things that will be voted on. Thank you.

TIM SMITH:

Yeah, very good point, Steve. I'll be on the alert for that. And certainly, when Susan does provide a report, which she said she would do, we'll

take a look at the discussion points that are taking place. So thanks for that.

As also mentioned, just as a final note here, the CSG ExCom is putting together a meeting that is not scheduled as I indicated earlier. But we will be doing that in advance of ICANN74. Perhaps to your point about sort of trying to get more input into this prioritization process, maybe we'll even have a meeting earlier rather than later. So thanks for that.

STEVE DELBIANCO:

Thanks, Tim. Mason, we have used up all the time. So I'm going to get back to you quickly to resume the meeting. Go ahead.

MASON COLE:

Thanks, Steve. All right. Thanks for the comprehensive update. Thank you, Tim, for the CSG report. One housekeeping. We have a number here, it looks like a North American number ending in 625. Could whoever that is identify themselves quickly, please? I don't have a reply. Okay. If you would, if you're on the phone and your phone number ends in 625, just identify yourself in the chat, if you don't mind, so that we know who we've got in the room. That'd be very helpful.

Okay. We only have a few minutes left, Lawrence. Once again, I'm sorry, but it falls to you to be concise. So if you would, we're looking for an Operations and Finance update. If members can stay on for another couple of minutes, if Lawrence runs over, that would be very much appreciated. Lawrence, over to you, please.

LAWRENCE OLAWALE-ROBERTS: Thank you, Mason. So I will just quickly scroll through the important aspects of the report. Right after the meeting, we'll share the report on the members list. First of all, I would like members to note that registrations have started for ICANN74. It's going to be a hybrid meeting, where there will be on-site participants as well as remote participants. Let's have members kindly register. If you plan to attend, we will be circulating the usual BC sheets online register, if I may use that word, to capture details of members that plan to be in Hague. Please watch out for that on the BC private list, just the details of when you plan to arrive and for how long you might possibly be planning to be in The Hague. The BC would like to have a special meet using this opportunity, and that will help us more or less to be able to plan effectively. Again, the registration detail is on the icann.org website. You will also find the link in my report.

Speaking about ICANN74, the BC newsletter for ICANN74, we started the process immediately today. We are inviting members to kindly send articles of interest to be published in the BC newsletter. We will be resuming having physical copies with a meeting going back to face-to-face meetings, and so it will be widely circulated. We will be receiving your articles between today, the 7th until the 21st of April, which gives us about two weeks. Then we'll try and close out production just before the ICANN deadline for publishing by the 6th of May. More details will be shared with us on the members list.

Jumping now to the ICANN Learn course. The BC has concluded the process of approval for the draft course and we have sent this to the relevant ICANN staff team for their comments and for the process to continue. They are hopeful that before the end of the current financial

year, the process of curating the course and having it on ICANN Learn will be concluded. Otherwise, we assure it will not go past the first quarter of the coming financial year to go live. The link to the course that we have shared before, when we had the course in the draft mode, is still active for those members who might still want to go there to review that information or to use the information in the various publics in terms of sensitizing people around the BC and our interest.

Invoices for FY23 will start going out by the first of May. Please watch out for that in your mailboxes. The call for elections is ongoing for the Council and NomCom representatives for FY23. The process of nominations will be closed on Monday, and thereafter, we will expect that candidates nominated should circulate a candidate statement on the BC's private list. By the next BC meeting, which is the 21st of April, we will be having a candidates call for the first 30 to 40 minutes of our meeting. We will definitely start the meeting earlier so that we can accommodate the candidates call. So we start the meeting 30 minutes earlier.

Financially up-to-date members are encouraged to nominate or be nominated for any of these positions. The next BC meeting will be on the 21st of April. Please watch out on the mailing list for more information. Thank you. I yield the floor back to Mason if no one has any questions for me.

MASON COLE:

Lawrence, excellent work, getting everything fit into five minutes. That was remarkable. So any follow-up or questions for Lawrence?

All right. I just want to highlight one thing. We have an extraordinary Executive Committee for the BC but I just want to take a couple of minutes and thank both Steve and Lawrence for their work because they've both done a tremendous job keeping everything that the BC has in front of it well organized and well put together. So this is particularly true of Steve on the policy coordination front. And particularly true of Lawrence, who spent quite a bit of time getting our financial books in order and making sure that we're current on our tax filings and everything else. So if you get a minute, I know I would appreciate it if you would send maybe a private thanks to Steve and Lawrence for all their hard work because they've done a tremendous job over the past several months. So thank you both.

All right, ladies and gentlemen, we have one minute left. Remarkably, we're coming in on time. Is there any other business to cover for the BC this morning? Okay. I don't see any hands in the chat or I don't see anything in the chat or any hands up. As Lawrence mentioned, our next meeting is Thursday, 21 April. Lawrence, did you say that we're going to extend our time for the candidates call?

LAWRENCE OLAWALE-ROBERTS: Yes. We'll start 30 minutes earlier for candidates call.

MASON COLE: Okay. So look for an updated notice from Brenda on a meeting time there. Okay, all right. If there's no other business, ladies and gentlemen, with thanks to Brenda for the support, the BC has adjourned for the day, and we'll see you in two weeks. Thanks, everybody.

[END OF TRANSCRIPTION]