ANDREA GLANDON: Good morning good afternoon, and good evening. Welcome to the BC Membership Call, being held on Thursday, the 7th of September 2023 at 1500 UTC. Attendance will be taken by the Zoom room. I would like to remind all participants to please state your name before speaking for recording purposes, and to please keep your phones and microphones on mute when not speaking to avoid any background noise. As a reminder, those who take part in ICANN Multistakeholder process are to comply with the expected standards of behavior. And with this, I will turn it over to Mason Cole. You may begin.

MASON COLE: Thank you, Andrea. Good morning, good afternoon, good evening, everybody. Mason Cole here, chair of the BC. Welcome to the BC's call on September 7th, 2023. A couple of housekeeping items before we get started. One is we are light on ExComm members today, including Lawrence who is traveling. I've got a brief update from Lawrence on his financial operations update which I'll cover in agenda item 3. We have Tim Smith who's going to go first with his CSG report under agenda item 2. We are missing Mark Datysgeld for a very good reason which will be made clear, later on. And with that, let me ask if there are any updates.

STEVE DELBIANCO: Mason froze. All right. While Mason-- Are you back, Mason?

MASON COLE: Go ahead, Steve.

STEVE DELBIANCO: We lost you there. You froze up. Should I proceed? All right. Hopefully you can see the policy calendar up right now. We're going to have Tim Smith go first on channel 3 of the policy calendar, which is the Commercial Stakeholders Group. Tim.

TIM SMITH: Thanks, Steve. Very brief report today, but a very good report, I hope. Almost deserves a drum roll because after several months of back and forth between NCSG and CSG, thank you for the drum roll, we have now what I guess we would call a compromise candidate in Chris Buckridge. Somebody was on the shortlist for the CSG, and was also on the shortlist for the NCSG, and the only common name between the two parties. So, Chris Buckridge is the person that we will be seating for Board seat 14. And happy to have that behind us. Great work by a lot of people on the CSG side. And I can only speak for CSG, but I'm sure also on the end CSG. But special thanks to Mason who sort of guided it through its final steps to be able to come to the conclusion. So, great work on that.

I don't know if you know Chris Buckridge. I think you put a link in the policy calendar, Steve. So, thanks for doing that. And so, you can learn more about him and his past roles. And other than that, we have invited him to our Day 0 event. I think we've talked about the Day 0 event that we're going to have on the 20th of October with NCSG and CSG. We've invited Chris, but I believe he already has a Board commitment on that day. I don't believe he'll join us, but maybe he can come for a bit of it anyways.

And that is really it. We are working on the agenda for the Day 0 event. And it's not finalized yet, but we have talked about, sort of talking more in-depth about this too. And also, I guess it's lessons learned from Board seat 14 will also be on the agenda. And that's about it. I guess the one thing, other thing is CSG does have its membership meeting during ICANN78, and that will be on Sunday, October 22nd. So, look for that once you see your agendas. And that's a two-hour spot, which is I think longer than we often get. So, we'll have an agenda being put together in the next week or so, a couple of weeks, and hope to see many of you there. And that's it.

STEVE DELBIANCO: I have one question. We had discussing DC, an alternative procedure for the NC, Non-Contracted Party House to select its Board seat 14. We were thinking maybe we would be able to get that as a quick pro quo for accepting their selection. But instead, Mason and the team was able to negotiate a compromise. Where do we stand on the question of whether and how to modify the procedure?

TIM SMITH: Well, and I'll actually turn that to Mason for a comment. I believe that will be part of the process that we go through in the Day 0 event is to figure out how we don't run into this problem again and what type of procedure we can come up with that will avoid that happening. Mason, do you have any further to add to that?

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MASON COLE: Yeah. Can you hear me, Tim?

TIM SMITH: Yes. I can hear you.

MASON COLE: Okay. Yeah. I'm taking my video off, but, yes, that is topic 1 for our discussion with the NCSG. We can't continue down the road of having annex 7 be the governing procedure for picking up a Board seat. Otherwise, we'll just end up back in the position that we're in now. So, the CSG ExComm and the NCSC ExComm have already started some preliminary discussions on how to resolve that, and I anticipate being able to do that with Paul McGrady's help when we're in Hamburg. So, there you go.

TIM SMITH: Thank you.

STEVE DELBIANCO: Mason, this is Steve. I know that we at least on the ExComm circulated the idea of the Damon Ashcraft's modified procedures, a procedure where there's a little bit more of taking turns in terms of who nominates and who approves. It still requires consensus to pick somebody. And so, if the ExComm, if you and Tim go into that ExComm meeting, it would probably be better if you could represent the consensus of the BC, at least with regard to that plan. So, I would recommend that if

you're going to discuss that plan that we circulated to the BC members, we could even discuss it on our call in two weeks.

MASON COLE: Good idea, Steve. Yeah. Let's plan to do that.

TIM SMITH: Yeah. Good. I'll make sure to bring that.

STEVE DELBIANCO: It isn't very complicated, and it does preserve that both parties have to agree and yet it changes the procedure into one where I think we would have done better.

MASON COLE: I'm sorry, Steve, if I may. There's a couple of notes in the chat about Chris's appointment and whether or not he can join us in Hamburg. He's been invited to the CSG Day 0 or the intersession on Day 0. Unlikely, he'll be able to attend. He's been invited to the CSG meeting, and he's been invited to the BC meeting as well. If all that fails, I think we're just going to tie him down and drag him around venue for a little while until everybody gets a chance to meet him and get to know him. So, we do anticipate having Chris's participation at some level in Humber. So, there you go.

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STEVE DELBIANCO: All right. Thanks, Mason. Any questions for Tim? Thanks, Tim. I'll jump back to the top of the policy calendar. Since we last met, we have filed one comment of last week. It was a comment to the UK government on a comment they solicited in relation to UK related domain name registries. And it's a DNS abuse directed document where the UK government is suggesting the kind of powers they want to have over registries whose TLDs or domain names are registered by or used by UK citizens.

So, in pursuant to what we discussed two weeks ago, I want to thank Margie and Mason. They took a lot of the things that we had written in regard to DNS abuse and the contract modifications and adapted it to what questions the UK government posed to us. That was a lot of work, a lot more than we thought it was going to be. So, Mason and Margie, thank you for delivering on that. We submitted that last week on time and got an acknowledgement that it's been submitted.

 I don't know for sure if all the comments are available, but we avoided trying to suggest that ICANN has to go do something. This was about the UK government taking measures to protect his citizens that they have from DNS abuse, and it includes a more expansive definition of DNS abuse. So, you can be sure the contract parties in NCSG will probably be very concerned that here we are stepping outside the bounds of ICANN and trying to make a point to the UK government, but I stand behind that. I think it was a good move for us just like we lobby on this too with the European Parliament. We won't hesitate to do that.

Let me turn to the open public comments. So, we have a current open one that closes on the 11th of September unless it's extended. This is a comment on a brand-new process that ICANN charge to a working group under the GNSO guidance process. In that process, the chair was rather heavy handed in directing them on a narrow interpretation of what ICANN should do to assist applicants for new gTLDs. The narrow interpretation was that businesses would not be included among those who could be eligible for that. I'm grateful for the fact that Vivek came up this morning with an initial draft, which I'm going to display right now and circulate after the call. You'll see it on screen right now.

So, we start off by saying it's a great thing to have applicant support, but that it's unfortunate the program is specifically not going to focus on core profit businesses. Now there's two levels here. If the applicant support program is one where businesses and business organizations are eligible. That's our main goal. We don't necessarily have to have ICANN out there spending marketing dollars to tell businesses that they should apply. Okay? We can rely on businesses that think they need to do it. We may have to be the ones that try to advertise it or spread the word, but the key here is that they need to be eligible. And that was not where the program was going. Let's see if Vivek is on the call. And I don't see Vivek let me summarize this real quickly.

So, Vivek tells a story in here that I think is perfect for us. He talks about an example where two blind brothers, two clothing company by two visually impaired brothers, and all their profits go to funding research to cure retinal eye disease. I mean, this is a great story. And it's true. And the applicant guidebook process, they say it doesn't have to be financial. It could be technical support, and all of those kinds of support

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will be helpful if that business decided to seek a top-level domain, blind support, for example, impaired vision, whatever it is they want to come up with.

And what we would recommend is that for the process, the applicant support process to be inclusive, aim to reach as many people as possible, not try to target it specifically to a group country or region, and then one of the keys is who to target. And so, what Vivek has proposed is that we say strike the targeting of the not-for-profit sector social enterprise community and just say target all potential applicants from diverse organizations. Now that assumes that the eligibility is okay. I think that Lawrence fought pretty hard to ensure that businesses would be eligible, business orgs would be eligible. So, we're going to want to double check that to be sure that they're eligible. And as long as they're eligible, I believe that Vivek' is a good approach to take.

So, I'm happy to take questions right now from members of the BC, but I may have to refer them more to Vivek. Are there any questions or comments? Is there anyone who objects to this line of attack? This comment is due in just four days. Seeing no objections, I'm going to circulate this to the full DC and include my assessment of whether eligibility is a guarantee. All right. I'll go back to the policy calendar. Give me a moment.

Okay. Let me go to 2. It's a proposed policy on a review mechanism to basically change or retire a country code top-level domain. .su for Soviet Union was the example we talked about at the time. We have commented on this past about the retirement of ccTLDs just about a

year and a half ago. And at this point, Margie and Ching are going to draft the BC comment. It's not due till the end of September, so we have plenty of time on that. I'll be circulating that in advance of it.

And 3, this doesn't close till October the 3rd, but this is probably pretty damn important to the BC members. There are updates to the existing rights protection mechanism documentation. And for that, the BC has been very active on RPMs or rights protection mechanisms. And we were instrumental in 2013 IN getting some new ones like the trademark clearing house, getting some new RPMs worked in to the new gTLD program. So, I am looking for some volunteers on that. I do see Zac's hands up. So, Zac, I'll turn it to you first.

ZAC MUSCOVITCH: Thanks, Steve. So, from what I understand, this is actually the work product of the Implementation Review Team that was working on the implementation of proposals that were already approved in the phase 1 of the RPM working group. So, from a brief glance at this, my sense is that the BC would likely support them all and they're non-controversial in the sense that this just reflects the implementation of proposals that were already approved by the community. Thanks.

STEVE DELBIANCO: Thank you, Zac. That's a great observation. It indicates that more than likely, this will not be a big lift for BC members. And that's a great opportunity for BC members who have not volunteered or contributed to a comment to jump on this because the Right Protection Mechanisms are things that most BC members have dealt with. It's an opportunity to

read something over and come up with a BC comment. It's probably going to be largely supportive. Let me look at around up and down the list of participants here. I'll check the chat. Can we get a volunteer from BC member to take a look at this RPM documentation? It's not due till October the 3rd, plenty of time on this, and the BC's done prior work. We will need a volunteer on this one.

Yeah. Zac, I appreciate that, but you and Marie are always doing the work, so my hope was that we'd get somebody else to step up. This is the sign. If you have veterans like Zac and Marie on this, it's so easy then for a newcomer to be part of this group because you'd be able to lean on two veterans. Can we get someone who hasn't participated? All right. Zac and Marie, thanks again, as usual.

ZAC MUSCOVITCH: Arinola's hands up.

STEVE DELBIANCO: Go ahead, Arinola. Arinola, are you volunteering to help as well?

ARINOLA AKINYEMI: Yes. That's right. I'm volunteering.

STEVE DELBIANCO: Awesome. Thanks, Arinola. And Abdul-Hakeem. Thank you. All right. Next up would be NIS2, and this isn't an open public comment. Rather it's an opportunity to remind us that we're waiting for independent

European member states to transpose the NIS2 final text into their own regulation and law. And that is a huge opportunity for us to try to encourage an expansive interpretation in NIS2 since the first member states to act in this regard could set an example for the rest. Marie, Margie, others, any of you have anything to add? And Marie, anything new on NIS2? No.

Okay. I'm going to scroll down to channel 2, which we call our council. All right. We have two councilors, Mark Datysgelt and Marie Patullo. Lawrence will be taking over position at the annual general meeting. And our previous council meeting was two weeks ago on August the 24th, indicated here what they discussed and approved. And the next council meeting is not until the 21st of September, and we don't even have an agenda yet. So, Marie, would you like to discuss anything that you think will be on the 21st of September?

MARIE PATULLO: Sure. And I'll give a quick overview of some of what happened last time. But before I do that, I need to explain why Mark isn't here today. He's got something much more important to do, as Mason explained, because yesterday, he got married. So frankly, we're rather glad he's not here today. We will be congratulating, obviously, when he's on the call, hopefully, in two weeks. But if anybody wants to reach out to him, he's a happy man. He's a happy man.

So, with that, back to what happened at the meeting that we had a couple of weeks ago. Now there was a long discussion about Sub Pro. There were two main problems there. One is that the Board asked for

some clarifying statements on some of the recommendations. What do you mean? Where do you like us to go on this? The other was they've indicated they're actually going to reject some of the recommendations that the Sub Pro Working Group came up with. Sub Pro being the new round with gTLDs in a couple of years.

Now on the easier one, the clarifying statements, that's more or less agreed. It was agreed until less than 24 hours before the meeting when the Board asked for some of it to be changed. Now there are two Board members, Becky and Avri, who are working with the small team of councilors to make sure this happens more quickly, which is a good idea. But this came in right at the last minute, so the motion had to be tweaked right at the last minute, in essence, taking out everything to do with the registry voluntary commitments, and the picks, but watch the space and what will happen there.

On the rejected or the no, yet rejected, but probably going to be rejected by the Board, but that's a bit more difficult because if the Board goes forward and rejects the recommendation that comes out of a PDP approved by the council, goes up at the Board, what do we do? Well, firstly, the recommendation just [inaudible - 00:20:39], or the Council needs to come up with a supplemental recommendation. Or there's another process called Section 16 where a brand-new and shiny recommendation has to be created, and that would have to go out to the community.

Now whether one or the other or none of the above are going to happen, it's too early to say, but the small team of councilors is starting to dig into this. It's very detailed. There is a wiki page. Please don't ask

me to be able to explain everything because I can't. But if anyone does have a specific interest there, you know to look.

On the statement of interest. Now this is of importance to the BC. As you'll remember, we've been trying for a long time to update the way that statements are used, and we didn't succeed. What we've come down to, and I see we, small team of councilors, which is now being discussed by Council itself, is that the SOI that you will fill in when you join in ICANN when you get involved in ICANN will be split to two bits. There'll be the parent SOI. This is me. This is where I work. This is what I do. This is why I'm here. And then there'll be one that's just for a specific activity. So, for example, if you signed up to the Sub Pro working group, that be an activity specific SOI just fort that. Now this is where the argument started because forever, there has been part of the SOI that you can all check if you want to that says, are you here on behalf of somebody else, a client?

Yes. And that's all you have to say. Some people, as you know, wanted us to go into much more detail about who you're here on behalf of, this and forth and back and up and down the sideways and the end result is we did agree. So, what we're going to vote on next Council meeting 21st of September is to accept basically what I just said, only with a bit more words. Which means that what exists at the moment won't change for now. And then no doubt at some point whole Pandora box will be open again. The whole can of worms will be open again. When I stop talking up, when I dump into the chat these slides that we used at the Council because they're really short and very easy to understand if you'd all read the whole report. Unless anyone violently opposes and

tells me, otherwise, Mark and I will vote in favor of that because it just makes sense.

Closed generics is another one that you know we've had an issue with. Now you know that there's no decision because all the people that try to get together in what we call the facilitator dialogue didn't agree. What we are now as Council is in process of doing is writing to the Board saying we had a really nice facilitator dialogue, it was great, lots of good faith, couldn't come to a decision so now, Board, it's up to you to decide what to do about closed generics. But we do not feel it should be a dependency for the next round, we don't feel it should hold up the next round, but we're not taking the decision because that's your job. It says that, but in much nicer words.

There's a couple of other bits to do with auction proceeds, which is, in essence, the Board has tried to change one of the commendations without changing the bylaws. But if you want to know more about that, I can go into it. And while I'm still talking, two webinars are coming up that might be of interest to you. You've certainly seen one of them. I'm not sure about the other. The Non-Contracted Party House has "internal capacity building webinar on technical aspects of DNS abuse". Now Mark knows about abuse, and Mark's not here, but it's going to be on the 26th of September at 1500 DTC.

And the other one, you know that Hamburg is coming up. And for that, you know we also have prep week, which is the 9th to the 11th of October. And during that, there will be a prep week webinar from the GNSO Council. And what they will do is run through what we're doing on various things, most of which you know already. But anyway, at the

moment, can you pencil that in? It's only a placeholder. For the 10th of October, which is a Tuesday at 1300 UTC. Back over to you, Steve.

STEVE DELBIANCO: Thank you, Marie. Hey. I'll note that October 9 through 12 is the Internet Governance Forum in Kyoto, Japan. Are there any other BC members that will be there? I will. I imagine Chris Wilson would. Anyone else?

BARBARA WANNER: Yes. This is Barbara. I will be there, Steve.

STEVE DELBIANCO: Fantastic. Okay. And this is the Internet Governance Forum. Thank you. Turning next to a handful of Council activities. The first one up is a transfer policy working group where Arinola and Zac are working. Zac and or Arinola, why don't you comment on the news that you circulated to your fellow members in today's report?

ZAC MUSCOVITCH: Hi, Steve. So, no news, really to report, other than the update that's contained in Steve's policy calendar, which contains a link to the working document. The discussions currently and for the last while have been concerned with the pricing for the trans or bulk transfers of domain names under management from one register to another in the event of a de-accreditation by registrar or in the event of an acquisition of another registrar's assets. So, this does not directly affect the

business constituency, I wouldn't think, but if anybody has any comments as always, please contact Arinola or myself, both of us, and we'll be sure to bring those detention of the working group. Thank you.

STEVE DELBIANCO: Thank you, Zac. Appreciate it. We've already covered the GNSO guidance process and 2, I'll go next to the RDRs. This is the system where I represent the BC on a working group that is monitoring the new pilot system that will allow requesters to make requests from participating registrars, and if they provide enough of a legitimate reason, the registrars may, not must, but may respond with a disclosure.

The system will do a terrible job of tracking. It will not even include registrars who choose not to participate, and I have sincere doubts that it's going to be of any value at all to the BC. Nonetheless, we will try to muster the request to the community to participate at least for the first several weeks so that we can build evidence that there is plenty of demand for disclosures based on legitimate reasons. And if in fact, the registrars are not complying, it's an opportunity to introduce the need for new policy. But this system is by no means is going to help us very much. It probably won't go live till November. Marie? Not till November, but it is going to be in trial in October. And that period is when some registrar will begin to use it. I'm trying to make sure that we have an opportunity to trial the requester size as well. Hand up. Go ahead, Zac.

ZAC MUSCOVITCH: Thanks. Not directing the topic of this particular procedure, but related to registrant data disclosure. I just learned today, and some of you might be interested in hearing this, that there's a way of actually getting the underlying WHOIS information within 24 hours, but it will cost €400, essentially. And that's by commencing a UDRP at the CAC, which is the Czech arbitration forum, which will then compel the concerned registrar of a domain name to disclose the underlying WHOIS information, and then you could drop the UDRP. So, it's an expensive WHOIS system, but it's available.

STEVE DELBIANCO: When you drop the UDRP, do you get a refund of your €400?

ZAC MUSCOVITCH: No. You actually would have to pay, I think, €800. You'd get a refund of €400 when you drop it.

STEVE DELBIANCO: Okay. Zac, this great news. One thing I'm interested in is the Czech government is one of the first two we expected to implement NIS2. And in fact, I believe we had a Czech version of their proposed transposition translated to English. We'll, Is this something they have already do today, or is it part of their transposition of NIS2?

ZAC MUSCOVITCH: So, this is a private arbitration service called the Czech Arbitration Center. And so, it's non-governmental as far as I'm aware. And I should

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also mention that this WHOIS disclosure method that I relate to is not the intended purpose of the UDRP. It's kind of a hacking of it to get UDRP WHOIS data. But the point really is is that it's already available, just at a high cost. And if it's available at a high cost, why can't the cost be lowered? Thanks.

STEVE DELBIANCO: For those of you who read the NIS2 directive, clarify for me, but I believe NIS 2 says that there should be no cost to a requester. Do I have that right? Margie, others?

TIM SMITH: Yeah. Correct, Steve.

STEVE DELBIANCO: So, if NIS2 is implemented by the Czech government, if €400 goes to 0, and maybe not through the arbitration service, but at least going direct. Any chance, Zac, did you have a link to that Czech arbitration service you can put into the chat?

ZAC MUSCOVITCH: Sure. Will do. They wouldn't be happy to hear people are using it for WHOIS details, but I will share it all the same. Thanks.

STEVE DELBIANCO: Let's make sure none of us run over to the arbitration window and start using it, please, out of respect for what Zac said. Instead, let's study the

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process and perhaps try to determine whether that could be something the Czech government could require as part of NIS2 transposition. Thank you, Zac. Any questions on that? Thank you. I'll scroll down to the subsequent rounds. Marie covered that as part of the Council discussion, and she also covered the statement of interest. That finishes the policy calendar, and back over to you, Mason.

MASON COLE:
Thank you very much, Steve. Anybody, any follow-up questions for Steve or anyone who gave a policy update? All right. Very good. We have a very, very brief update from Lawrence who is pretty much unable to join today. Two items that I'll impart on behalf of Lawrence. One is, he's asked to remind member that articles for the ICANN78 BC newsletter edition are now open for publication. If you have an update that you'd like to provide to the newsletter, it would be welcomed. And you're encouraged to send that to Lawrence when you can. I'm not sure what the deadline is, but it's probably coming up pretty soon because we have to meet print deadlines for Hamburg. So, the sooner the better on your submission of articles.

The second is officers' elections are coming up very shortly. And Lawrence said that you should expect to see a timeline outlining that process shortly, probably within the next week or two, so if not sooner. I think that's it. Anyone else on the Executive Committee have any finance and operations update of any kind that would supplement what Lawrence provided, or any members for that matter? Okay. All right. Very good.

All right. Then we're going to have a short meeting, folks. Item 4, any other business for the BC? All right. Just a reminder, our next meeting is Thursday, September 21st, at our normal time. So, we encourage you seeing there. There's going to be a lot of prep work, ramping up for ICANN78 in Hamburg. So, bring yourself and your BC colleagues to the next call as we'll have, I'm sure we'll have a lot to cover. All right. In that case, we will see you all in two weeks, if not sooner. And, Andrea, thank you very much for the support. BC is adjourned.

ANDREA GLANDON: Thank you everyone. This concludes today's conference call. You may now disconnect.

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