BRENDA BREWER: Good morning, good afternoon, good evening. This is Brenda speaking. Welcome to the BC membership call on 3, November 2022 at 15:00 UTC. Today's meeting is recorded, please state your name before speaking and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. And with that, I'll turn the meeting over to your chair, Mason Cole. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, good evening everyone. Mason Cole here, chair of the BC. Good to have you on the call on 3 November. We have our normal agenda up on the screen. Before we begin, are there any updates or additions to the agenda please? Okay. All right, thanks very much. It looks like we have a bit of a lighter crowd today, I think there's some overlap with some ICANN meetings in Los Angeles. So we may have a smaller crowd today on the call. But let's proceed anyway.

Steve, are you ready or should we go to Lawrence first?

STEVE DELBIANCO: I'm ready to go, but if Lawrence would like to go first, I'm happy to defer.

MASON COLE: That's fine. If you're ready, let's proceed. Go ahead.

STEVE DELBIANCO: Thanks, Mason. I'll go ahead and display the policy calendar that was circulated yesterday. And we have not filed any new comments since our meeting two weeks ago so I'll just dive into the relatively long list of open public comments right now. The one that closes the soonest is about seven days from now, it's the draft terms of reference on the holistic review. And the notion here is that a review of ICANN suggested by the ATRT third iteration was to look at a broader concept of ICANN's fitness for purpose, its effectiveness of its structure and processes, the interactions between ACs, SOs and the NomCom.

And the team itself finished their draft terms of reference for what this review would look like. So consider it this way, if the terms of reference are approved, the comments that is to say, come back to the team and the team takes them on board, makes a final terms of reference. Within this review we'll get scheduled, and the first one they're calling pilot because it's the very first.

And that review itself then will be composed of community members that get appointed by the various ACs and SOs. And they'll come together, they'll operate under the terms of reference to do evaluations and recommendations on ICANN as a whole. And the BC sees this as an opportunity to perhaps improve the lousy position we find ourselves in counsel, and maybe even improve GNSOs ability to have some influence on decisions that are made at the board level.

The question is what should we say about the terms of reference that are up for public comment? I want to give a great shout out to Barbara Wanner, who worked with Margie and I on a draft BC comment. The dilemma for us was whether to surface the aspirations

that we have on structural changes in GNSO and at the board level or to keep those quiet for now and just comment on whether the terms of reference are broad enough to accommodate an eventual evaluation of structures like the GNSO voting split house and whether the GNSO itself should have more than two of the 15 board seats.

So through a couple of iterations between Barbara and I and Margie we settled on the attached draft, BC comments on TOR. It's the draft pilot holistic comment. So it's only a couple of pages right now. And we elected to be a little bit more circumspect without surfacing exactly what we had in mind. We definitely said that there needed to be an opportunity for AC, SO and board restructuring. And the question was what we say about terms of reference and whether they're broad enough. And since it allows us to look at ACs, SOs and the NomCom we're taking the position that they are probably broad enough, but we are trying to put in just a little bit more clarity to see if we can get the team to come back and say, yes, you were interpreting it correctly, we'll be able to take it to that level.

Barbara, would you like to add, you or Margie, add anything to this discussion so far as we try to get to the final seven days here?

BARBARA WANNER: Thanks, Steve. No, I think you've done a good job of summarizing what we've tried to accomplish in the comments and what we've been struggling with in terms of the extent to which we reveal our hand, if you will, about restructuring.

STEVE DELBIANCO: Great. So while it was late to you, the red line I sent back was attached to this document. And I also have the original and I can compare the two if you'd like a more structured way of looking at the changes. But I would look to you first in the next couple of days to see if you are comfortable with where we ended up. And there is a TBD on page two that we have to finish. Any other comments? BC members want to comment on it now because otherwise it will be done through email over the next seven days.

BARBARA WANNER: Steve, just to clarify, so the attachment that you sent us last night, that is what we're considering now? This incorporates any red lines that you had?

STEVE DELBIANCO: Exactly.

BARBARA WANNER: Okay.

STEVE DELBIANCO: But to make it somewhat easier for our colleagues I didn't do it as a red line. Barbara, I edited yours.

BARBARA WANNER: Okay.

STEVE DELBIANCO: Since they had not seen the original red line. But I can, for purposes of working this out with you, do a quick compare. But the document as presented is nearly ready for member approval. There is a TBD on page two that we should work out. Thanks, Barbara, I appreciate all your help on this. Any BC members with questions? Okay, not seeing any hands up or in the chat. Thank you, Margie. Great, thank you all, you'll be seeing another email probably three days before it closes where I'll indicate last call on comments. And that will probably include a version where Barbara and Margie and I have worked out the TBD on page two.

All right. Number two up is there are amendments being proposed between the contract parties and ICANN org where they modify the registry agreement and the registrar agreements. And their ostensible purpose was to do the transition of adding RDAP obligations and relieving the obligations to host the old port 43.

So we have a comment now that's attached. It's called BC comment RDAP, it's one of the three attachments there. And what we had here was an initial comment that Crystal Ondo and Rajiv prepared, we circulated that two weeks ago. And in that comment, Crystal and Rajiv, from the standpoint of a Google member of the BC that has experience hosting port 43 and RDAP, they gave us some comments that I think are really helpful, technically, at making sure that it works properly.

Then Margie added some additional comments to our draft. And that's the attachment. And those regard changes that seem to go beyond the mere shutting down of port 43 to RDAP. And those comments appear at

the end. Margie, I think that last night, I've been traveling so I didn't catch the details, but I think last night you came back with a further set of edits to what I circulated last night. Would it be beneficial to bring those up and have you talk us through those? Or are they close enough that we could walk through what I circulated?

MARGIE MILAM: Hi, Steve, it's Margie. What I circulated was essentially a cleanup of the language. The themes were exactly the same. Although when you look at the RDAP public comment, there's so many documents to look at, and as I was trying to piece through how it impacts the obligations, one of the things that I have a question about that I don't know the answer to yet is it may also eliminate registry web based look ups, not just registrar based look ups. And so the main concern that I added to the comment was the point that having an interactive web page where you can do WHOIS look ups is a consumer protection issue. It's how people do look ups for the last, whatever, 20 plus years and there's no reason that that would need to be eliminated as part of the RDAP transition, you know, the transition from port 43 to RDAP. And I noticed it in the RAA, and that's what we've referenced there.

The thing that I'm not sure about, and I don't know if the Google folks are on this call, if they're aware. But I think it may also eliminate it on the registry side as well. So I'm going to go back and look and see if that's correct. And if that is correct, then I think my recommendation would be to update this to also reflect the change in the registry agreement because it just seems like it doesn't make sense that you'd

eliminate this web based look up tool that is used by consumers all the time to do look ups.

STEVE DELBIANCO: And the obligations to provide the lookup could be something that's contractual. And I don't know the intentions of all the TLD registries and registrars because they may continue to maintain it, but they don't have to. And I think our position would be that to truly box in the compliance, we would want it to be a requirement.

MARGIE MILAM: Exactly.

STEVE DELBIANCO: And as you indicated this is proposed amendments to both the registry agreement and the registrars obligation. So we could potentially add a paragraph below where we talk about section 3.16 of the RAA, add another paragraph that speaks specifically to the [RYA.] Margie, and this isn't due until the 16th of November. So we've got another several days before we circulate a finished copy for member review. But later in this discussion, as you're well aware, the latest language on this too is out in the European Parliament just a few hours ago.

And when we look at that language, it has publication requirements that once transposed by member countries are going to change the landscape, potentially the landscape of what is in this document. So we may have to scramble quickly to see whether that would inform our comment as well.

MARGIE MILAM: Excellent point, Steve. I think that it may affect this. More likely the other comment we have to work on, which is the RDS IRT implementation, to me that's a natural place where you'd raise the WHOIS requirement that looks like is going to stand and the NIS2 language.

STEVE DELBIANCO: Good. And I see Rajiv is on the call. And I know, Rajiv, you had done the first half of this comment. Did you have any reaction to the additions that were put in there in what I circulated yesterday?

RAJIV PRASAD: Steve, thank you. So I personally, as representing Google BC, don't have any comments on this. But I will defer to Crystal who represents the registrar or registry component of Google. So let me get in touch with her and find out if she has any commentary around this.

STEVE DELBIANCO: Great, because our presence in the BC means we do this from the standpoint of registrants and from users. But it only makes our comments smarter if we incorporate insights that come from BC members who also happen to be registries and registrars. So we'd love those insights to make sure the comment is as sharp as it can be. Okay?

RAJIV PRASAD: Understood. And let me follow up with Crystal on that.

STEVE DELBIANCO: Thank you. So to do that properly, Rajiv, I'd like to give all BC members an updated doc, because the one I sent last night was followed up by Margie with a cleanup. And so I would circulate the cleanup after this call and we'll use that one. And then I'll put it in there, I'll make it a standalone email, it'll say for comment and review. Since it's not due till the 16th of November we have plenty of time on that.

Margie, is there anything else you wanted to add? Or any other BC members want to comment on this one? Okay, I'm not seeing any hands or chat. So I will change the share back to the policy calendar. Okay, and scroll down to the third one.

And this is what Margie was referring to. This one doesn't close till the 21st of November, but it's a very extensive structured comment on whether the implementation recommendations that came out of that EPDP on phase one and phase two priority two, whether those items accurately reflect what the policy is. I mean, that's the way the questions are phrased for us. They say, does the implementation recommendation in one document match the policy that was approved in this other document? And then you go to the third document and indicate your answers. It is a real struggle.

David, Margie and I have spent a few hours on the phone and hours afterwards comparing documents and trying to come up with a BC comment. And if you touch on draft responses right here, I won't open it now, it's very extensive. But we have taken the opportunity to

comment on whether we think it matches the policy. And in some cases, we found that it did not. If we believe that the policy itself was in error, this is perhaps not the right place to point it out, but I believe that if we think the policy was reached prematurely prior to NIS 2's implementation language, that is a great opportunity for us to say that yes, it accurately reflects the policy but the policy does not accurately reflect the new obligations on publication accuracy and disclosure.

And so I think it's a great re-opener for us. So we can go back to the drafts that we have so fa and clean those up. Margie and David, I think we have another call tomorrow and maybe that's something we can do, is take a pass through there to see if NIS 2 should be mentioned more prominently.

DAVID SNEAD: Okay, happy to do that.

STEVE DELBIANCO: And Margie, anything you want to add to where we are on this?

MARGIE MILAM: No, one of the things is that with this one as well there's so much documentation to look at. I really appreciate Steve and David's time, we've just spent hours working through this. I'm hoping someone asks for an extension because even with the deadline it still feels rushed because there's so many things to go through. But I know, Steve, we asked for the last extension and I don't know if we can get somebody

else to ask for an extension so that maybe we've got till end of year to really put it together.

STEVE DELBIANCO: Yeah, great point. I think the NIS 2 would be the perfect excuse, the NIS 2 publication today is the perfect excuse for that, although if we raise that excuse others will indicate that NIS 2 has not been transposed so it hasn't been approved. So we might get into a--Actually probably let's not bring that up.

But who can we get? Should SSAC, ALAC, IPC? Who would be the ones that we can ask that they request an extension.

MARGIE MILAM: I'm sure that ALAC would be interested. I can email Hadia because she was asking me if I could share whatever perspectives that we were coming up with. So I'll send her an email since I know she's working on the ALAC ones.

STEVE DELBIANCO: That's fine. That's great. I appreciate that. Feel free to share with Hadia a link to the document. She just won't have editing privileges, but if she wishes to view it she can do so.

MARGIE MILAM: Thank you.

STEVE DELBIANCO:	Any other volunteers who want to help us with this or have comments? Yeah, it's interesting, Margie, having granted one extension, Denis Chang and org may not kind of get it that the second extension is needed for an external reason. And they probably don't want to do that very publicly.
	Okay, the next one up, is due the 17th of November, which are comments on the IANA and PTI operating plan and budget. So before the 10th of November, Lawrence and Tim will work with the finance committee and get a draft that we can circulate.
	And so Lawrence and Tim, just to put this on your radar, by the 10th we need to have something to circulate. It doesn't have to be that substantial. Any questions or further volunteers? Great.
	There's another comment on the customer standing committee effectiveness review. There may be BC members who operate TLDs. And as such, they would want the ability for root based implementation and that's where the CSC comes in. But when I asked the BC members that operate TLD registries there was no indication that we need to comment on the second review of effectiveness. As far as they're concerned, the CSC is working effectively. So we probably will not comment on the effectiveness review in number five.
	Couple more, one more left on ICANN's side. The non commercial stakeholders group has within it two constituencies, the NCUC, which controls things. And the poor orphan called The Not-for-Profit Operational Concerns. And that is meant to represent nonprofit entities that want to run registrations and they have registrations and they care

a lot about integrity and availability. They care a lot about security and they don't want their consumers and users to be defrauded when they go to give money, say to the International Red Cross.

So that constituency, the NPOC, N-P-O-C is proposing an update to their charter. They modeled it pretty closely off of the BC charter. And then Arinola and Samuel did a wonderful job articulating the ways in which the BC might suggest they can further improve the charter. We have circulated that two weeks ago and didn't see any comments I reattached it in case BC members want to take one more look. That comment closes in about 11 days and I'll do a last call before we actually submit it. Arinola, Samuel, anything you'd like to add?

ARINOLA AKINYEMI: Nothing from me, Steve.

STEVE DELBIANCO: Yeah, thank you for the work you did on that. Okay, next one up, I'd like to turn to members on the call that have some intimacy, some familiarity with what's going on in European Parliament. Trialogue finished its work and we're now waiting for the European Parliament to publish final language for a vote that's anticipated on the 10th of November.

Since I wrote those words yesterday, a document was circulated with the latest version. I'll display that on the screen. But I will want to see whether Drew, Barbara, Marie, Margie, those of you who have some

familiarity with this, Mason, you guys can talk to us about what's in it. But I'll go ahead and display it while you take the mic.

MARIE PATTULO: Do you want me to take it, Steve?

STEVE DELBIANCO: Please.

MARIE PATTULO: Sure, As I'm in Brussels. So hi everyone. You know that we've been waiting for this to be officially published before it's adopted. And I got a copy of the text this morning from the rapporteur, the name that you see on screen, Mr. Groothuis, from his office. And then I had to go off and do something else. But in the very brief period I had first, I read it through quickly, shared it with Nick from [inaudible], with Margie, with other experts who are on the call. The wording that we were most concerned about over the summer, if you remember the addition of the Article 5A in paragraph 23, article 23, it does not seem to be there.

Now, I am not going to start jumping up and down or saying yay, because none of us have had time to actually analyze it properly. But on a very brief read from what we've seen, it does actually look really positive.

Now what's going to happen next is, as Steve said, it comes up to the European Parliament next Thursday where it's officially adopted. It's then officially properly adopted by the council, that's more or less a

rubber stamp. After that, it will appear in the official journal of the European Union, that's where all of our law is published. And from that date, time starts running.

So from the day that it's published in the OJ, the official journal, it will come into effect 20—two zero—days later. After that, remember this is a directive, that means that the member states, the 27 countries that make up the European Union, they then have to take this law and turn it into national law. They've got 21 months to do that, it's called the transposition period.

Now be aware that with the directive, they do not have to take exactly what you see on the screen and translate it, transpose it exactly like that, as one piece of law into their national legal systems. What they have to do is get to the effect that the directive seeks to achieve. Now, that means they could adopt one law, they could take out bits of it and stick them onto existing laws or do it in different laws. Obviously, that will be for each individual member state.

And obviously we as the BC will need to be trying to work with the member states. Why? Firstly to ensure that they understand what we're trying to get to. And secondly, if it's possible to get them to specify within the terms of their national laws that legitimate access seekers do specifically include the private sector, for example, cybersecurity investigators, intellectual property investigators, and so forth.

But that's for the future. What we have at the moment today is a text that on very brief reading, I think we can be quite happy with. Steve.

STEVE DELBIANCO: Thanks, Marie. In the document you have now, this was form the email that you circulated. Does the left hand column reflect the previous draft or what came out of an earlier submission to the commission?

MARIE PATTULO: I have read through very briefly and I've been in the meeting until about 10 minutes before this meeting. Sorry, I have not had time to do any deep type of comparison at all. I flip read the wording, and I know that Margie also did, and we are, at the moment we're sort of hoping to be happy. But I don't know, Margie, if you want to add to that.

MARGIE MILAM: Hi, everyone, it's Margie. We're cautiously optimistic, I guess is the correct word. I think what we see in this language is a requirement for thick WHOIS, a requirement that the registries make publicly available the data of legal persons and that they respond to inquiries for people with legitimate interests. So yes, I think there's a lot to like here. And as far as we can see there's no limitation on how many places the data can be stored, which I think was the language we were most concerned about.

STEVE DELBIANCO: And no redundancy part, right?

MARGIE MILAM: Yeah, that redundancy part is out. And so I feel pretty happy that this information is now going to be more readily available, especially for the

legal persons data, which really didn't make much sense to begin with as to why it would be redacted.

STEVE DELBIANCO: I've highlighted that on the screen there, Margie.

MARGIE MILAM: Right. so yeah, so it actually implicates a lot of things. Again, it's a timing issue because this is happening just at the moment when ICANN is finalizing the RDAP and the changes to the Phase One EPDP policy. So it'll be interesting to see how we--Whether we can get them to pivot to incorporate some of these concepts as those policies get implemented.

STEVE DELBIANCO: You know, prior to a pivot what about we ask for a pause?

MARGIE MILAM: Oh yeah, that's a great idea, Steve.

STEVE DELBIANCO: So that we don't jump to conclusion. And the longer the pause, the more opportunity for that 20-day clock to expire and then for places like Denmark or the Czech Republic to transpose these rules so that they become effectively binding on anybody doing business in those countries, registrants or users.

So this could be a sea change, it came late and rescued us from severe disappointment. But it looks like things are going to be remedied quite a bit with the European Parliament coming up with this new NIS2. Is there anyone else who has been following it or has any sense for the reactions that are coming from the broader community or from ICANN org?

MARIE PATTULO: I have a meeting next week in Brussels with EURALO who are coming here physically for AGM. So I'll report back on that because in particular I'm sharing a panel with Marika from staff to see--We know, of course, back in KL that in the regulatory session that Elena made comments to the effect that it was worrying that governments were doing things when it's so called ICANN policy territory. That said, governments don't wait for ICANN, governments are in charge of the law.

STEVE DELBIANCO: GDPR was the best example of that.

MARIE PATTULO: And one thing that I--Just a really dark technical thing, Steve, I want to point out to our colleagues who are not used to reading European proposals, on the screen, what you're seeing on the left is the original proposal that came out of the European Commission a couple of years ago. On the right, what you're seeing is the text which is going to be adopted. That's why there are two columns that may look like they don't correlate.

STEVE DELBIANCO: And that explains why the non duplication language is in neither column, because it was in a draft that occurred between the left column and now the right.

MARIE PATTULO: Yeah.

STEVE DELBIANCO: So you won't look for something that was there on the left and it's not there on the right, because it came in between.

MARIE PATTULO: Correct. Now, I really do need to underline at this point, Steve, that none of us have figured out what, if anything, has happened to that language. All we know is what we saw this morning, we were pointed to this by the Office of Mr. Groothuis, thank you very much to his assistant, genuinely thank you. But none of us have yet had time to try to understand what happened and why. So just as Margie says, cautious optimism.

But back to your pause on RDAP, remember that this is going to be officially adopted, voted in by the European Parliament next Thursday. So your concerns about them saying, oh, well, it's not law yet, it's only a draft, blah, blah, blah. It will become law if they vote on Thursday, this calendar year. So that's wording they're going to have to drop at some point.

STEVE DELBIANCO: When you said it becomes law, but it has to be transposed by member countries or it has no effect.

MARIE PATTULO: Correct, but it's law. It's not something that they can then say we can ignore it, because the starting gun will be, as I say, 20 days after it's published in the official journal. That means that the member states need to be actively getting this onto their statute books by that 21-month period after it's published.

Remember, also, however, that this directive is about cybersecurity. It's much, much, much wider than WHOIS. Only article 23 and its related recitals, so the descriptor parts that come more towards the beginning, only those are the bits we're concerned in. But the member states may well find it much more difficult to transpose the rest of the directive, the whole of direction because clearly it does go to national security.

STEVE DELBIANCO: Thank you, Marie. Caroline, I think you're on the line. I wonder if you could revise the side-by-side document you did this summer for us.

CAROLINE LUPETINI: Sure. Yeah, I'd be happy to do that comparison again.

STEVE DELBIANCO: Thank you. And then let me ask the BC members who happened to be at the summit in Los Angeles, the contracted party summit, whether NIS 2

has been discussed yet or if it shows up today on the agenda? And if there's anything you could share, please let your BC colleagues know the general reactions and questions that you hear.

MARGIE MILAM: Steve, it's Margie. They covered it yesterday but I didn't get the understanding that they had seen this language. I think Göran said something to the effect of that he was very pleased that NIS 2 language was amended the way they had asked for. That may have been in reference to the language related to the root zone. The issue that they had raised. To me, honestly, it didn't sound like they knew this language was out there because I would have expected Elena to mention it and I don't believe she did.

STEVE DELBIANCO: Are you still there and does it go on today?

MARGIE MILAM: Yeah, it goes on today. We'll see what happens today and I can report back after the day's activities.

STEVE DELBIANCO: No doubt, Elena has seen the new draft and perhaps if you do see her, nudge her a little bit. Everybody would love to know what org thinks of it and whether it's an update to the conversation they conducted yesterday.

MARGIE MILAM: Right.

STEVE DELBIANCO: Anyone else that's there, Rajiv, Chris Wilson, any of the rest of you that are there that have any comments on this?

[CHRIS WILSON:]   Well, I'm not there, Steve, so I can't comment.

STEVE DELBIANCO: Got it.

[RAJIV PRASAD:]

STEVE DELBIANCO: Okay, great. So let's figure out what changed and then work together to think about what it means going forward. It's supposed to fit in to an existing strategy we had which was to work with EU countries that are anxious to transpose and implement. We said Denmark and Czech Republic were great examples since they are well down the curve requiring disclosure requirements for their ccTLDs. And then, at the same time in parallel, we take these open public comments on implementation of EPDP and RDAP implementation. That they both might appropriately be paused for the community to consider how this

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affects the comments they're making. But it might well change org's decision on making a set of changes to contracts now only to have to make another set in a few months. That's what I'm talking about there's a pause. Okay, no victory laps yet. There's still a lot of work left to do. I could get back to the policy calendar. And at this point, we'll be able to skip down to council which means I'll be turning it back over to Marie and to Mark. Can you tell me where to move on the screen?

MARIE PATTULLO: Thanks, Steve. I'll take off and then, Mark will take us through the DNS abuse parts. Our last council meeting was just after our last BC meeting. Now the outcomes from that, if we start with accuracy, remember for a long time, we've been pushing for data accuracy to be well, accurate, for want of a better term. it's not going to happen in the short term. In essence, you know there is a scoping group who are trying to look at how we actually work on defining what accuracy is. It hit a few roadblocks, not least because they can't agree on the definition of the word accuracy and they also don't have a chair anymore. He stepped down. The group put forward two proposals that did not require access to data, which were a registrar survey and a registrar audit.

However, as we don't currently have a chair, no one is coming forward wanting to be the chair. And also, as was pointed out by a lot of councilors, there is no DPA. So how can we actually deal with this kind of work? I can't use the word pause because that's not the official term but it is waiting. At the time being, not a lot is going to happen. Greg, who is the vice chair and comes from the registrars, said that the registrars are keen for this to be concluded.

From our side, we did push on the fact that we don't want it to disappear into the long grass again. But in essence, not a lot is going to happen in the short term. A couple of other administrative things. There's a liaison between the council and GAC, that's Jeff Neuman. He's just been reappointed for another two years. There's a GNSO rep that goes up to the empowered community administration. That's Greg, who I just mentioned, one of the vice chairs of council. And Mike Silber will be coming in as chair for the applicant support process in which Lawrence is participating.

We had a big discussion about that as well because the GAC wants more members. In essence, it came down to every group can have an alternate as well. So if you haven't been informed of that yet, you will be. The EPDP on IDNs, that's Internationalized Domain Names is working. It's going ahead but it's going to be late because there's an awful lot of stuff going on there. Not actually discussed in council but discussed by the BC.

There is still the active call for volunteers for anybody who wants to be on the implementation review team, the IRT for the RPMs phase 1. And you've all seen Steve's emails about that, so please do consider it. The two major things on council that we discussed however were the WHOIS Disclosure System and DNS abuse neither of which I am expert on. So I hand over to Mark first on DNS abuse. Thanks.

STEVE DELBIANCO: Thanks, Marie. Mark, over to you and you can tell me to scroll down to your section on this if you wish.

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MARK DATYSGELD: Thank you, everyone. Yeah, that would be helpful, Steve. So DNS abuse, as my US friends would say, it's on like Donkey Kong. I guess, that's what they would say.

STEVE DELBIANCO: That's a little bit dated.

MARK DATYSGELD: My older US friends. So basically, what happened is, everything got approved pretty much. We're moving ahead with the motion that confirms every recommendation the small team made. And the idea is we are convening very soon to approve a letter to send to the contracted parties which reinforces the entire community's need and the GNSO council's consensus that amendments have to be made to contract to change from a need to acknowledge sort of, to a need to enforce, right? So this is a big game changer. And those who remember our session in Malaysia, this has been acknowledged by the contacted parties. I think most of them understand that this is necessary if they want to keep their businesses going.

So essentially, we're doing pretty well on advancing on that front which surprising as this may be, is actually panning out. The thing though that I don't think council realizes fully or the other stakeholders don't realize fully, but that doesn't matter because we do, is that now the community has a need or at least a call from council let's say, to start socializing within their network, within the broader scope of NGOs,

businesses, civil society organizations, governments. We have a recommendation to start socializing what DNS abuse is and actually starting to incentivize players to send complaints to registrars for the technical abuse that we see.

Now here's my idea. The BC should take the charge on this. Mason has been the poster boy for DNS abuse from the start. We are the ones who were raising a big ruckus over this. And now that we have traction, I don't see why we would take the pressure off. So I started making bilateral meetings with some industry players. Have good contacts at Spamhaus and they're pretty excited about this, doing educational sessions and integrating DNS abuse into their core training. That would be huge. The overall idea is to start getting those technical complaints to hands of the right people, registrars.

I've also started doing some discussions with ISP organizations. And overall, starting from today and towards—this is a next year project but I really want to give everybody a heads up. I would like us to start thinking about how to do massive outreach on this. And I'm looking at some of our key partners here, [inaudible], Amazon, Google, AIM, all of our AfICTA friends, everybody from the European region and so on, how do we reach out and start making big impact around this?

I think it would be a very good start and potentially something that would raise a lot of heads because now we have a go ahead to really start looking to DNS abuse and allocating people and start getting those complaints flowing, which hopefully will validate all the points because then, if there's a lot of good, well-informed complaints arising, nobody will be able to say, oh, but we don't receive that many complaints which

is what they do right now. And from there, we can move ahead. So just a heads up, that's the plan. The motion will be moved very soon as in probably today and from there, let's start discussing outreach which has now been rubberstamped by the council. This is it for now.

STEVE DELBIANCO: Thanks, Mark. Mason, your hand is up. Please, go ahead.

MASON COLE: Thanks, Steve and thanks, Mark for the update. I just want to compliment Mark on all his work on the small team. He co-chairs that effort and the small team on the GNSO has made huge progress on DNS abuse. So I may be the poster boy but Mark, behind the scenes, has done a great deal of work, so thank you, Mark. I just wanted to also bring up the issue of procedure for dealing with the contract amendment that we believe contracted parties and ICANN are shortly preparing to negotiate.

And I wanted to alert BC members that the BC is very likely to be vocal on the idea that we need to have a process within the community for the community to be able to weigh in on these proposed amendments. So we don't want the contracting parties and ICANN to go into a black hole, negotiate the amendment, and then come back out and say, here it is. Everybody live with it. The community needs a voice in this. So I just want to alert everybody that that's probably coming soon. And we have 15 minutes to go, so let's be conscious of time. All right. Thanks, Steve.

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STEVE DELBIANCO: Thanks, Mason. Thanks, Mark. The only other thing I will add is the discussion of the small team looking at what can we do with the WHOIS Disclosure System. This was seen as an inexpensive lightweight ticketing system and its purpose from the standpoint of requestors is to know that when they put a request in for domain name disclosure and reasons for that, that it would be routed to the appropriate registrar. However, we learned that many registrars may not decide to participate and there will be no way for ICANN to oblige them to participate. So the only way that the system provides value to us is probably that we will be able to document that legitimate request with legal reasons or submit it and responses were either ignored, not forthcoming or denied.

And to gather that data, I have been insisting that we log all requests that come in. I had general agreement with that. ICANN legal back tracked a little bit about needing a legitimate purpose to satisfy the retention for GDPR purposes but they have come around. ICANN legal is now saying yes, they can retain the domain name that a requestor types in. They can obtain and retain the reasons given that the requestor types in. I need them to also log who is the registrar of record on the day the request came in because that could change in the 12 to 24 months that passed between the entry of the request and when we're going to analyze the data.

And my final request is that the staff of ICANN be able to prepare detailed reports in response to the community, that's us. Where we would say that we'd like to know all instances where the following registrar has been given a request. Who gave the request and when and

what was the response. That kind of data disclosure is part of what we are insisting on. If we get the logging and the data disclosure, I believe that we will have obtained a sufficient value in the system that we would want our councilors to support it. That's my opinion only and there are others in the BC that may have a different view, but it's premature to debate all of that yet.

We don't have a final report for my small team yet and the council does not have a motion yet. The council will have to have one though 10 days before the council meeting in November in order to take this up. So things are still moving. We don't have a small team call this week, instead we're just doing a lot of email participation. I would be glad to take any questions on that before I turn it back to Tim. Okay, great. I'll scroll down then to Tim, whose update is attached and on the screen. Tim, please go ahead on CSG.

TIM SMITH: Thanks, Steve. Tim Smith for the record. I guess, at our last meeting, we mentioned that CSG meeting with GNSO appointed board members was being planned and that meeting is now confirmed for November 21st. And that I believe that invitation has already gone out to everybody. Also mentioned in the last call that we were planning to discuss DNS abuse and the WHOIS Disclosure System, request system. So those are the agenda items for that meeting. IPC will be in the chair of our CSG group right through the Cancún meeting. So just for your information.

And I guess, the other thing, change of leadership at ISPCP were Philippe Fouquart has become chair replacing Wolf-Ulrich. Susan Moore

was vice-chair previously and continues in that role. And I guess the sort of significant for all of you who have been around ICANN for a long time, Wolf-Ulrich announced that he is leaving the ISPCP constituency altogether and will be giving up his membership.

And he did give a little note to the CSG excom saying, there's a saying that once you join ICANN, you can never leave. Let me turn it this way. That I'll now leave all the regular tasks I've been engaged in for over 15 years but will not forget this and never the nice people from anywhere in the world I got the privilege to meet and work with. So we wish him well as he moves on.

And I guess, there are three things which we're engaged with at the moment. Susan Payne is representing CSG on the planning prioritization. I know they've had two meetings but I don't know exactly what has been determined so far. So I did reach out to Susan but haven't heard back from her. Philippe is actually working on behalf of the CSG and the closed generics. And I know there was supposed to be a meeting sometime in November but I have no update on that. And I did send Philippe a note to see if he can give me an update but I haven't heard anything.

And I guess, the applicant support work I'd say in here continues but I guess, it hasn't really started. And from what I understand from Lawrence who's representing CSG on that, they're still waiting for a few members of the community to be seated, I guess. And as Marie just mentioned earlier, Mike Silber, I guess is going to be chairing that group. But not everybody has been confirmed for the group yet. And that's my update for now.

STEVE DELBIANCO: Thank you, Tim. Any questions, BC members for Tim Smith? Mason, back to you. Thank you.

MASON COLE: Thank you, Steve. Appreciate it very much. We're a bit tight on time this morning, so let's go directly to Lawrence for an update before we hit AOB. Lawrence, over to you, please.

LAWRENCE OLAWALE-ROBERTS: Thank you, Jeff. I'm sure you all can hear me loud and clear. So I will be starting my report with the call for additional budget request that's offered already. The BC, most likely we put in applications to [inaudible]. And we also had ICANN provide support to develop the ICANN Learn course in the previous year. We will also most likely put in an application to see how we can improve on the ICANN Learn course [inaudible] with possibly some media and videos to compliment what we have out there.

I would want to ask members to kindly help with ideas that we can pitch for additional budget request. We have in the past enjoyed the ability to bring leaders from developing—usually from developing parts of the world to each ICANN meeting [inaudible] leaders to each ICANN meeting based on additional budget request approval. [inaudible] for about two years now and there is an opportunity. This should be an opportunity for us to be able to ensure that the program [inaudible]

I'm also hoping that in the course of the [inaudible] program, we would be able to possibly pitch for a—to have a one-day event of some sort where we can have business leaders [inaudible] BC members at this forthcoming AGM. Hopefully, some sort of outreach that can help us bring all other businesses on board. We have until January to complete this process. And so, I want to encourage members to still pitch ideas and to also respond to the draft that I'll be sharing pretty soon.

Later this month, we have a DNS abuse session at the Global IGF. Mark and a few of us will be on the panel. Please watch out for the details. We will share these details on our mailing list. I also want to bring to the attention of members that we currently are looking at the possibility of reviewing our [inaudible] BC publication. We think a publication that carries the details, the bios and details of all BC members, whether primary or alternate. We are looking to have this ready before the next ICANN meeting. It's normally a hard copy print but will require members submitting their profiles or providing updates to the profile people already submitted. This will also help us in our task of updating our membership as we've had some new members and some old members retire.

Based on the ICANN timelines, we also have to start working putting together materials for the ICANN 76 newsletter. We want to encourage [inaudible] from the communications committee, [inaudible] members to start putting articles together that we could showcase at the next edition of our newsletter. A few companies still have their invoices outstanding. Members who have such invoices open and not yet dealt with will not be able to participate on the ongoing electoral process.

So [inaudible] kindly do everything necessary to close out your invoices if it's still open. If you're not sure of the process, you can kindly reach out to myself or to Brenda for verification. We are currently in the second week of [inaudible] nominations for the BC officers election. And our timeline remains the same except for the fact that where it's required, the nomination period might be extended from the 7th to the 14th. So nominations will close on the 7th of November and where we do not have all the offices filled, we would extend nominations by a week.

And by this, we will not in any way be impacting of the timelines that have already been shared as candidate statements are expected to be [inaudible] by the 14th. And there will be a call on the 17th which is two weeks from now where we would hope to have all candidates running for election speak to members about their plans and visions for the coming year. So the only change that you have might be an extension from the 7th to the 14th. All the offices now have nominations except for the vice-chair for policy. We are hoping that it will have someone stepping forward. [inaudible] until the 7th. Would be happy to encourage [Steve] who will then be eligible to continue to put in [inaudible] if they will gladly accept.

The candidates [call is on] the 17th and election ballots will be sent to the email addresses of primary candidates by the 18th of November and we hope to close the election by the 24th and have the outcomes announced by the 25th of November. Thereafter, we will keep up the committee elections and this will span from the 28th of November until the 23rd of December. The next BC meeting is due for the 17th of November which will also be the time for our candidate's call. Because

of the candidate's call, we'll be starting one hour earlier than usual. And I'm sure that we would receive this in our calendars.

I will stop at this point and take any questions. Otherwise, I will give the floor back to Mason.

MASON COLE: Thank you, Lawrence. Any questions or comments for Lawrence, please? All right. Thank you, Lawrence. Very much appreciate the update. Lots of business to cover today.

Okay, quickly, any other business to cover before the BC adjourns, anyone? Barbara.

BARBARA WANNER: Thanks very much, Mason. Actually, I just wanted to draw people's attention to the community bulletin that Brenda sent us earlier today. You probably will notice here that they will be re-instituting the leadership program. The 2023 leadership program. I participated in that several years ago and derived a lot of benefit from it. And I would encourage all BC members to consider nominating somebody to be representative in those discussions. It's a great way to meet people across the entire ICANN community in both contracted and non-contracted parties. Thank you.

MASON COLE: Thank you, Barbara, for raising that, very helpful, much appreciated. All right. Any other business this morning? Okay, we managed to finish

right on time. Thanks, everybody. As Lawrence said, the next meeting is 17 November. We'll have the candidates called in. That meeting will start one hour earlier than normal, so please watch your calendars for that. And if there's no other business, then the BC is adjourned. Thanks, everybody.

[END OF TRANSCRIPTION]