
BRENDA BREWER: Good day, everyone. Welcome to the BC Members Meeting Call on the 16th of September at 15:00 UTC.

Today's meeting is recorded. Kindly state your name before speaking for the record and mute your phones and microphones when not speaking. Attendance will be recorded via Zoom. I am going to turn the call over to Claudia who has joined us. Thank you very much.

CLAUDIA SELLI: Hi. Thank you very much, everybody. Sorry for the slight delay. As usual, you have the agenda in front of you. So we're going to start with the Policy Discussion, Council Update, the CSG Report, and then Operation and Finance from Jimson. Without further ado, I'll leave the floor to Steve to start the policy discussion.

STEVE DELBIANCO: Thanks, Claudia. On the screen is the policy calendar that I circulated yesterday. We'll get through that quickly. There is the "no new public comments" filed since our last call. With respect to comments that are open right now, the one we're paying attention to is the PDP Working Group on Subsequent Procedures has come up with the process that ICANN will use to expand the gTLD system. It's a long report. It's 360 pages but we're lucky enough to have Mason Cole, Tim Smith, and Statton Hammock who volunteered to help draft the BC comment. That comment is due in two weeks, September 30. We'll be sure and get draft comment to BC membership no later than seven days before that

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due date. But this is a substantial project and it would be fabulous to get additional volunteers from among BC membership. I did want to point out that just on Monday of this week, the working group itself held a webinar to cover what's in the final report. I know that Statton, Tim, Mason, and Lawrence, you attended. What would you say to your colleagues about what we learned on that webinar? Statton, Tim, Lawrence?

TIM SMITH:

Hi, it's Tim. Statton actually is not on the call today. He had a conflict. I think what we found from Jeff Neuman talking for an hour and 15 minutes was that there is a lot of thought and a lot of detail that has gone into the final report, and a lot of consideration for all the comments that have been made in previous comment periods. So what we have been doing, our small team so far has actually been going through all of the questions and we've just completed our first draft and are having a meeting this afternoon, actually, to discuss our views in the draft. That would be all that I would have to report right at the moment. Maybe Mason or Lawrence has other comments.

STEVE DELBIANCO:

Thanks, Tim. Mason?

MASON COLE:

Hi, Steve. Can you hear me?

STEVE DELBIANCO:

We do.

MASON COLE:

Good morning. I concur with what Tim just said. It was a very thorough webinar and the report, as you point out, is voluminous. It's 300 and some pages. We've divided up the work between the three of us and we've spent quite a bit of time going through the detail of BC's comment. A lot of that is based on the previous comment as Tim pointed out in the initial report.

One thing that's made clear on the webinar was that the working group very much wants comments on the new sections of the report. They don't particularly want a repeat of previous comments. So we've tried to focus a bit on that but at the same time, there are opportunities to add some overarching comments that we think are important. For example, the BC is very well on record talking about DNS abuse as a problem. We've tried to leverage a bit of that position into the comment to say DNS abuse really needs to be addressed in a meaningful way before we open a new round of TLDs. So there's a number of overarching comments that have been included toward the end of the report as well, which BC members will see when we circulate it for feedback. But as Tim said, we're meeting this afternoon to talk in detail about where we are on the comment draft and I'm certain we'll have it ready for the BC group here on the timetable that you just outlined.

STEVE DELBIANCO: That's fantastic. I hope you're able to stand on comments we've done before, including our comments on the assumptions. I listed all five of those in there. If any of those comments reveal that you want to drill down into it, feel free to reach out to Andrew Mack, Vivek, Susan Kawaguchi, and others because they could jump in to your group if you want to leverage on some of the work they did on previous comments, too.

MASON COLE: Okay. Thank you very much.

STEVE DELBIANCO: Thank you all for volunteering. Any other BC members who want to add themselves to that group?

LAWRENCE OLAWALE-ROBERTS: Yes. This is Lawrence. I would like to volunteer to join the group. The working group itself, especially from the webinar that was done has [inaudible] like the last two speakers highlighted. So all the [inaudible] also about some ideas [inaudible] outreach also to enhance the business and competition especially where we find that similar applications, similar strings, and hoping that there'd be some means of making adjustments to applications even [as the process continued.] So I think there are a lot of [inaudible] that came up at the webinar that big improvement and I'm sure that the BC should [inaudible].

STEVE DELBIANCO: Thank you, Lawrence. We'll add you to the group. Marie just indicated in the chat that "Mason and Tim, do your best to resurrect the BC's concern over confusingly similar strings such as singulars and plurals because that was not actually resolved." I don't believe that the new system is going to have a substantially better resolution of that issue.

MASON COLE: Steve, it's Mason. Thanks for –

TIM SMITH: We'll definitely take a look at that.

MASON COLE: Yeah, indeed. Thank you, Tim.

STEVE DELBIANCO: All right, great. Thank you. Let's move on to WHOIS policies in the light of GDPR. We have only a few updates. A lot of us listened to the webinar last week where GNSO Council discussed the entire process. And during that discussion, Keith Drazek, the Council's Chair, made a very casual summary of how legal advice from European Authorities can strain what it was the EPDP could do on this structured centralized system. A lot of us were listening in as Marie and Scott and the Council's were on it, we felt like that was an oversimplification. So Brian King of the IPC drafted a reply that Marie submitted to Council. I have it linked right here where Marie sent a link to Council on the 11th of September to correct the record of what Keith said. You see, we want to keep alive

this notion that courts, a DPA, or the Data Protection Board could in one fell swoop clarify the ability for ICANN to assume legal responsibility to assume sole controller status. And then suddenly all of these roadblocks, the progress, could be removed. We thought it was too casual for Keith to summarize the way he did.

Marie, have you got any feedback yet on what you circulated to Council on the 11th?

MARIE PATTULLO: Nothing at all. Not even an acknowledgment, Steve.

STEVE DELBIANCO: I don't think you will. It was such a common sense note and my guess is that neither Keith or anyone else will blow back on it. Thank you.

I wanted to point out in yellow highlight—you see on the screen in front of you—that on the 10th of September, ICANN's General Council responded to the GAC Minority Report. This is significant. We supported the GAC Minority Report. They objected to many of the same recommendations we objected to. This letter from ICANN puts back on the GAC certain really important questions about what governments think. I believe it is designed to make the GAC think twice about coming back to the Board with advice against accepting a GNSO recommendation for the policy. Because I want you all to recall that the GAC's Minority Report, which is a remarkable level of consensus, it was only a Minority Report to the EPDP. It is not advice to the ICANN Board. It is not advice. So if the GAC was moved to do advice to the Board, if

the GNSO approves the recommendations, then it's a separate set of questions and a separate vote for the GAC to do.

Mason, I know that you analyzed ICANN Org's letter to the GAC. What would you point out to us as minefields or opportunities in that letter?

MASON COLE:

Thanks, Steve. I don't have it in front of me so it will be a little hard to refer to it in detail. The ICANN Org took what I read as an antagonistic approach to the GAC comment. They're pushing back and asking for things like legal justification for some of the GAC's positions, which you correctly pointed out that we supported and others did as well. It looks to me like the ICANN Org is trying to put the GAC into a bit of a corner by demanding additional information for justification for their positions. I'm not sure how the GAC is planning to react to it. I haven't talked to anyone of the GAC yet, but it reads as a bit of a tense situation and one that the GAC is going to have to carefully tread, particularly since they found allies in the rest of the community for the positions that they took. That's my read. It raised the tension level—I've been in the room—when it comes to the outcome of the EPDP.

STEVE DELBIANCO:

I agree with you completely. It's trying to put the GAC on this defensive, knock it on its heels so that the GAC will not easily come up with advice against the implementation of SSAD should GNSO come back, because as you know, if GAC comes back with consensus advice, it raises the bar considerably for the ICANN Board to come up with the 13 votes that takes to override GAC advice. So I do see it as a challenge to the GAC's

rationale, the GAC's authority and the GAC's ability to draw consensus. I do think, though, that U.S. government would not get in the way of consensus if the GAC tried to proceed with tough, tough advice against the SSAD. We'll have to wait and see. Anybody had interactions with Laureen or GAC members since the ICANN letter came out?

CHRIS WILSON: Steve?

STEVE DELBIANCO: Please go ahead.

CHRIS WILSON: I haven't had any interactions with Laureen or others. But I will say as a data point—and you may know this, others may know this—that the U.S. government just changed out their main GAC rep. Vernita Harris had been the GAC rep for the last few meetings. She's now an alternate GAC rep. Nathan Simington who's a senior adviser in NTIA, who started in June, is now the lead GAC rep for the United States. As you also may know, he also was just nominated yesterday to be a Commissioner on the Federal Communications Commission. We have, if you will, new leadership with the U.S. government in terms of this from NTIA on the GAC. I don't think that necessarily affects the calculus but it's just something to think about. It is a new person. I do think Nathan, he's been involved in the discussions on EPDP in the last few months and I think he's sympathetic to the concerns raised by the BC and IPC and

others. So I just want folks to know that and I think that's part of the calculus.

STEVE DELBIANCO:

Thank you, Chris. Simington is not just sympathetic but over the top when it comes to intermediary liability. Not only would he impose liability on registries and registrars but he doesn't even think that social media sites should enjoy any liability protections for comments and posts of users. So he's going to cause damage to the industry in almost everything that he does. That's a big concern. However, in this particular case, you're right. He's probably likely to support the GAC taking a hard line with ICANN and trying to do better than the SSAD that we came up with. Margie?

MARGIE MILAM:

Hi. I read the letter as well to the GAC and I was frankly outraged. The tone was very antagonistic and it almost insisted that GAC provide legal opinions on some of the positions that were taken, which is really an unusual place to be where this is part of policy process, and obviously ICANN knows what legal advice has been given and that it's not the role of the GAC to provide legal advice. So it's a new approach that ICANN Staff has taken. You could see the hand of Dan and JJ in this and it very much seemed like a CYA approach, which is really quite shocking and something that I imagine is not going to be taken well from the GAC perspective.

STEVE DELBIANCO: I hope that's the case. I wonder whether you could leverage your relationships with Laureen. Maybe to ping her privately and see what the GAC's reaction has been. I would encourage them to treat it as hostile since I believe that's the way it was conveyed.

Anything else? Great. Thank you. I'll scroll down now to Council. Marie and Scott are with us. So what I have here was the summary again of what was approved on the 20th of August. More importantly, what's going on at the next Council meeting, the 24th of September. So, Marie and Scott, over to you.

MARIE PATTULLO: Thanks, Steve. Hoping that you could hear me okay.

STEVE DELBIANCO: We do.

MARIE PATTULLO: Great. Thank you. It's going to be a very interesting meeting next week and no big surprise the two most important items for us, both concern the EPDP. You know that there was a lot of discussion in our last Council, so back in August, which came down on a substance point to the idea that we would separate the final report into two packages: the first package being all about SSAD and the second package being about the so-called Priority 2 items. There was also a lot of hyperbole and of course a lot of pushback, how dare we do all of this work and then walk away. There's been all kinds of blog posts about us being disingenuous, but we knew that was coming, there's no great surprise there. What we

do have now is an actual motion to vote, to adopt the report. Now, Steve kindly put the motion into the policy calendar for you.

My question to Steve and to all of you is, how do we ensure that there are two separate votes because there's only one motion? My understanding from the instructions that you've given to us, which have been very clear, is that we vote for the second package, so for the Priority 2 items, but we do not vote for the first item, the SSAD item. So I would like guidance and instructions on that, please. Steve?

STEVE DELBIANCO:

Margie would be the most help on this because it's a matter of GNSO procedures. But I did point out, Marie, that when Keith first brought this up at the Council meeting in August, he said two votes. In the webinar that was held last week, Staff clarified. When you asked Staff in the chat, Marika came back and said, "Yes, it will be one motion with two resolved clauses that are voted on separately. This avoids having to repeat all the whereas clauses." I'm paraphrasing but can you find the exact words that Marika used? It's not as if Staff dictates policy. She was simply clarifying on what Council Chairman Keith Drazek had said at the August meeting, and she said so in a way that we all relied upon that at forming our positions going into this meeting.

So I think we have a strong basis to say that we fully understand and Staff has already said it'll be two separate votes. We also know that NCSG prefers not to have two separate votes, they prefer one big package vote so it forces us to vote no on everything and we lose all of

Priority 2 topics. So that would be my take. But, Margie, it would really benefit from your experience as a Staff or to know how we handle this.

MARGIE MILAM: Hi. I actually don't know how this is read, how they would do it, but I agree with you. If it is one vote, the vote is no. If it's two votes then you vote no on the SSAD recommendations and you vote yes on the other items. But honestly, I don't recall how this is dealt with on the Council level.

MARIE PATTULLO: Thank you.

STEVE DELBIANCO: Marie, do you and Scott have access to the chat transcript from that webinar?

MARIE PATTULLO: Yeah.

STEVE DELBIANCO: Could you check and see what Marika said. And then I think the opportunity then is I would recommend that once you find her exact words and find Keith Drazek's exact words from the previous meeting, and then we send them an e-mail back to Council in response to Keith's e-mail because Keith had asked if we have any issues on the motion. I think it could be a really friendly e-mail that simply says, "Keith, taking

you at your suggestion and, as clarified by Marika last week, I just want to clarify that this will be separate votes on the two resolved clauses #1 and #2.” Then that gives us an opportunity to catch him doing something right. How does that sound?

MARIE PATTULLO: That sounds great. I really would like to clarify that before the Council. I don't want us to be accused yet again of trying to stop the process, which we're not doing. We're the ones asking in good faith, in my opinion. I will look at that exact wording. I'll draft at something and share it with you guys as experts. So, thank you.

If you can scroll down a little bit.

STEVE DELBIANCO: By all means, see if you can pick up. Here's the transcript for the 20th of August.

MARIE PATTULLO: Yeah, I have it. Great. Thank you. There's another couple of issues that are going to be discussed next week that are important. Well, actually, they're both to do with EPDP sideways. The first one is to do with leftover bits, the remaining items, so the infamous legal versus personal information and anonymized e-mails and also accuracy. Now, quite a lot has happened on that. There has been a new proposal. If you see what Steve has written, Next Steps with the link, the EPDP2 Priority 2 Next Steps, that's the one you need to look at because that's the one dated 10 September. What it does not give us is timing. Most of the discussion

in the last Council was about timing. There was little on substance. The substance is still pretty much the same but is definitely worth reading. To me what's interesting is that they are making sure that this does not happen in the short term. They're two different things: reconvening of the EPDP and also the accuracy point. Now, taking those one at a time. They have agreed—at least from the proposal that's been circulated by Leadership—they have agreed that when we look at the remaining items, so legal and natural and uniform anonymized e-mail addresses, that they would reconvene the EPDP team. Now, as you know the BC thinks it's the way forward, a lot of people don't but it does seem that we've got that on that. Then it starts talking about immediate actions which are not very immediate at all. You'll see that they involve communicating two members of the EPDP team, what the Council expects them to do, having the members reconfirmed of deciding on who should be a Chair. Rafik is still trying to be the Chair there but that's a side issue. Then the so-called "subsequent steps". Once Council completes its consideration of the Phase 2 report, it's to go ahead and ask the team to reconvene. But please remember what I'm saying here, there are no dates in this. There are absolutely no dates. It talks about it will happen at the EPDP report. It does not automatically trigger the starting point. It then talks about, at the latest, three months after the team is reconvened, the teams report back to Council which could then either provide additional time or just close it down if there's nothing coming out of this. So although on the one hand, I think we've won because it is going to be the team itself. On the other hand, I could see this being kicked into the long, long, longest of longest.

On the second point, accuracy, I think we're in a slightly better position. You know that Council decided to take accuracy out of the EPDP but they have agreed here—well, if this is agreed—in this document it does talk about forming the Scoping team and here again the quote, “Consisting of volunteers from SGs and Cs as well as interesting ACs.” Now that I am really happy about because we've got so many subject experts in accuracy, I don't want the Scoping team, in other words, the team that looks at all the issues that should go into a potential PDP, I don't want it to be just Councilors. And I'm really hoping that we can get some BC voices in there. And you know who you are but I will come back on that when it actually happens.

Although I am happier with this, I'm still not seeing any actual dates. Immediate actions to tell the SGs and Cs and the ACs, to let us know they've got an interest in being on the Scoping team, great. I'll let you know as soon as that comes out. Ask ICANN Org to develop briefing documents. Council to consider in the context of what else we have on our plate, the appropriate start timeline. That is a big subject. I know that the timing isn't great but I do want us involved in both sides of that. Any comments on that before I move on?

STEVE DELBIANCO: Great work on that small team, Marie. Thank you. Any questions for Marie on this?

MARIE PATTULLO: I'm noting your comment, “Rafik should not be Chair,” Margie. Noted but well, you know. Sorry, Margie, you've got your hand up. Please.

MARGIE MILAM:

I wanted to clarify my comment. When we think of the work that was done over the last two years, there were some Chairs that are consensus builders and some that just don't have that sort of skill. With these issues, I just don't see us making much progress if we don't have a Chair that has those kinds of skills. Actually, before we had Janis, we had those special mediator folks, I forgot their names, but they really did help us get to a place of trying to reach out and understand other people's point of views. That, I think, was missing in Phase 2. So to the extent we have to tackle these very hard issues, both on the accuracy and on natural legal person, I think that we need to kind of think about what's the best way to manage it for building consensus as opposed to just checking the box and getting through the issues in a way that will not be satisfactory and will not really try to reach consensus. That's the reason why I made those comments.

MARIE PATTULLO:

Fully understood. A couple of points. The first one is that he—I was going to say, "He will not," that's not correct. I don't have a crystal ball. Rafik wants to be Chair of, if you like, EPDP Phase 2 point whatever number it is now. So the legal versus private and the anonymized mail, not the accuracy bit. That's separate. That's a completely separate exercise. Now, my main issue, if you like, that we could've questioned Rafik, being Chair, is that he's currently Council liaison. And despite what he says and despite what he keeps claiming, the operating procedures—so the rules under which the Council is supposed to do its work—are really clear that the liaison cannot also be a Chair and this is

really temporary, while you're waiting for a new Chair to come in. The thing is that Rafik's term ends come the end of the AGM, so at the end of our October meeting. So that's no longer going to be a valid perk, if you like. On the accuracy side, it should be for the people that get involved in the Scoping team to choose their own Chair, I hope. But yeah, your point is very well taken there, Margie. Thank you.

The other point to do with the EPDP is if you remember Phase 1, if anyone can think that long ago, there's an IRT and I know that we have Alex and Susan and some wonderful people battling on that. Sebastien from GoDaddy, the councilor, is the liaison between the Council and the IRT, and he's produced a great, lovely document which is nice and long—and thank you, Steve, for putting it up—which is really interesting reading and it's going to be discussed at Council next Thursday. What it basically says is the contracted parties and the NCSG think one thing, all but the BC and the IPC think another, and another all but Staff agree with the BC and the IPC. And it comes down to whether or not we have a legal basis for Thick WHOIS, yes or no, which we all know is a political football and not just what it says in this text.

So I find this a really interesting report and I know that you guys have not had a chance to read it but I would be very grateful if in particular, Alex and Susan, could have a look at this. Alex, I'm so glad your hand is up. Over to you, please.

ALEX DEACON:

Thanks. Can you guys hear me?

STEVE DELBIANCO: A little louder, Alex. You might not be close enough to the mic.

ALEX DEACON: Sorry. How about now?

STEVE DELBIANCO: Good.

ALEX DEACON: Thanks. And thanks, Marie. We've been having what I've been calling a merry-go-round debate on the IRT around this issue. I'll just summarize this quickly. This report from Sebastien states the NCSG and contracted parties think that the language in the Phase 1 policy needs to be included as is in the IRT document and not doing so would really basically contradict the multistakeholder process. They use all these terms. But the point that I've been trying to make is that doing what they— and I appreciate that point, absolutely, that they're making but doing that in fact impacts and directly contradicts the Thick WHOIS consensus policy, which we've been told by the Board, Becky in particular, that we, as an IRT, cannot do. So we're in between a rock and hard place. While the contracted parties and NCSG are saying, "You must leave this language in," I continue to state, "Well, if we do that then we're basically doing exactly what you're telling us not to do, which is against the multistakeholder process and the like." Unfortunately, contrary to what I always like to try to do in these situations is I don't really have a solution. I don't know what the plan is here.

But, Marie, what I'll try to do by the end of the day today is to summarize a few talking points for BC and also IPC councilors so that you have something ready doing this discussion on the 24th. It is quite an interesting situation that I think ICANN is in because you have these two contradictory policies that have been set by an EPDP, approved by Council and also the Board. So it's not clear to me what the next steps are.

STEVE DELBIANCO:

Alex, thank you. Claudia has her hand up. Before I call on Claudia, though, I believe that this report summarizes both sides but makes no proposal or recommendation for how to resolve it. That will be a challenge. The discussion will be able to rely on what's on this document but there's no recommendation here. Claudia?

CLAUDIA SELLI:

Thanks, Steve. I have a small update and I thought it was probably better to intervene now than later since it's on the EPDP. I just had a chat with Ashley and Donna and also Heather on the EPDP and what's going to happen. They wanted to understand a little bit the possible outcome of the vote and the way forward. So they reiterated their commitment basically in implementing or in helping finding a solution and they were wondering whether the report, the SSAD, could be a potential basis for eventually making the report better or, in any case, improve it or use it to avoid throwing everything in the water the two years of work that has been done and starting from scratch again, but use that as a basis to continue eventually improve the report to see

what can be tackled. Of course, if we go into the same type of discussion, I think it will be difficult for everybody to, in any case, find an agreement to its use that are not resolved. I don't think that there is a magic wand there but they were rather forthcoming and willing to understand whether we would be at least happy with taking some part or analyzing which part can be taken to avoid throwing everything out there on a possible way forward. So I don't know if –

STEVE DELBIANCO:

The answer to that is fairly easy because if the SSAD had a opportunity for non-government actors and if it requires the registrars to disclose as opposed to simply allow them to. So there are only a few words we would need to change. Change some “mays” to “must” and to make it so that we could become accredited and be entitled to responses. I'm paraphrasing. Margie and Mark and Alex can give more detail. But I think it could be done, if you're suggesting what would we change in the SSAD report to make it acceptable. If that's what you're asking, it will take a bit of time for Alex, Margie, and I to pull that together. Is that actually what you're asking?

CLAUDIA SELLI:

Well, I'm asking if this could be a potential way forward if we're willing to go through that path in understanding what we might want to change and whether we would be willing at least to use the SSAD as a possible model and a way forward. It's in fact my question, yes.

STEVE DELBIANCO: Okay. So the answer is we would specifically change a lot of may's to must and we would increase the scope of legitimate entities who could get accredited and be entitled to require disclosure. None of that would actually work very well unless we clarify the legal liabilities since there's no way registrars would comply. So we know what we would change but part of it is changing legal interpretations. So we certainly have spite the hornet's nest here, Claudia, so we're going to turn to Marie and Mark to discuss this. But, Alex, we'll try to come back to where you were before Claudia cut in on Thick WHOIS. Go ahead, Marie, and then Mark. Mark, please.

MARK SVANCAREK: Can you hear me?

STEVE DELBIANCO: Yes.

MARK SVANCAREK: Okay. I think this is a valuable exercise to keep in our back pocket but I don't think it's something that we would do publicly for a couple of reasons. One, I don't think that anything ever changes until we have clarity from authorities on a number of things. And I think it's not just the liability issue. I've actually made a list of six different things—I think it's six—in the GDPR that need be clarified. So there is the liability issue but there's also issues adjacent to it like public interest. So it's good for us to know where our negotiating points are. I think at this point, it's just a matter of writing them down where it's a may versus a must or

different automation cases or whatever. But doing that in public just really, I think, is negotiating against ourselves. It just provides an opportunity for people to say, "So what if we give you a fraction of this?" We've already made our statement about what we think is acceptable and what we don't. I don't see any point in doing anything that appears like we're compromising further because we won't get anything. It'll just be used against us. And we know, as Steve just said, nothing can really change until we get the legal clarity. So if legal clarity were in hand, this might be a valuable exercise. But at this time, I think it would be counterproductive. Thank you.

STEVE DELBIANCO:

Mark, that was very politically astute. I appreciate the idea of compromising against ourselves. Marie and then Margie.

MARIE PATTULLO:

Thank you. I'm really interested to hear this, the reason being that I understand because the e-mails that have been circulating that the IPC are putting together a message to send to the Council list prior to the meeting this week. Now, I also understood the IPC had the same spectrum as us and would be voting against package 1, if it is in two packages. So just from my own understanding, Claudia, are you suggesting that they are actually going to try to suggest this before the vote next Thursday and/or ask for a deferral in vote? Because Keith really doesn't want that to happen.

CLAUDIA SELLI: No, I don't think that they might want to ask for a deferral of the vote. They just were starting the conversation to understand whether there was room to improve the report and to understand also what could have happened in Council. Also eventually then restarting from scratch and stuff like that. So no, I don't think they will be asking for a deferral, to be honest. At least that's how I understood it.

MARIE PATTULLO: Got you. So now, I'm even more confused. If they're going to suggest that we could actually amend the report into such a way that we would vote for the report, then I don't know how they can do that before next Thursday.

STEVE DELBIANCO: Marie, I don't think that's what is being suggested. They're saying, as a basis to start over, could we start over based on the SSAD and what changes would have to be made for the SSAD to be acceptable. And it's not a change to the report, it's really next steps.

MARIE PATTULLO: Okay. So they still vote against the report and this is for the future?

STEVE DELBIANCO: I think so. And it might be part of explaining why they vote no. I haven't seen –

CLAUDIA SELLI: They we're also talking about –

STEVE DELBIANCO: [Inaudible] and Brian to quickly update the rest of their BC colleagues so we understand what they're thinking. Alex, you're a member of IPC, what have you heard about this, too?

ALEX DEACON: Hi. Just real quick, from what I understand, I've read this document. Again, I'm not an expert in ICANN process but assuming the GNSO Council votes on whether the procedure was followed or not, I think what the IPC has been doing is ensuring that they have a solid argument to vote no based on process and procedure. And I think that's what the doc that's been circulating in the IPC is about.

STEVE DELBIANCO: Alex, if that's an accurate reading, that's nothing at all, like what Claudia just described, which was sort of where do we go from here to start. So maybe it's two things. It's explaining why they vote no and explaining potentially, "Here's how we could get something done based on the hard work that was done." Margie, you had your hand up?

MARGIE MILAM: Yeah, but it was on the prior topic. I mean, I do agree with Mark as his point of view on this. Just so the BC knows, we had actually reached out behind the scenes to numerous members of the contracted parties before the publication of the final report to try to identify the handful of

issues that we thought were the ones that really mattered that could change our point of view on the report, and we were basically ignored. And then in the actual EPDP, when we would bring up the topics that we'd already flagged to people about, "These are the ones that are really important to us," we'd get comments like, "No way in hell you're getting that. Move on." I mean, it was just flat out no interest in discussing it. So it just seems a little ironic that now they're interested in hearing about it.

Honestly, one of the main issues which is the one that I don't think Keith Drazek would ever support, is the notion of the evolution of the SSAD. Because, fundamentally, if it gets approved, it'll be approved in the current state in the concept of moving to a centralized model is not possible, and I don't see them negotiating on that. It seems that that is a line in the sand, if you will, from non-contracted parties because of how they read the consensus policy rules. So I just don't have a lot of faith that those kinds of negotiations would actually benefit us because we'll just be stuck with a decentralized model that maybe evolves in some minor ways but not significant enough ways to get us to what we thought we were negotiating for when the EPDP kicked off. And what we thought we were negotiating for was the centralized decision making approach that was in the UAM. And that's so far from what this recommendation is, that we would essentially be saying we're giving up on a centralized decision making model.

STEVE DELBIANCO:

Thanks, Margie. Claudia, anything to use in closing on the topic?

CLAUDIA SELLI: No. I think that there were also some discussion around the possible amendment eventually. But as Marie was saying, the time is really short and from the discussion that we are having, in any case, I understand this could not be the way we want forward.

STEVE DELBIANCO: You did say, Claudia, that Donna was involved. So you're saying the Registries reached out to you?

CLAUDIA SELLI: Yes. Donna and Ashley, yes. Registry.

STEVE DELBIANCO: Anything further on this? Are you able to share with, at least your councilors and Mark and Margie, the correspondence you received?

CLAUDIA SELLI: Yes. It was a conversation so it was an informal conversation, not something on the mail, but I'm happy to provide them with some of the procedures from the Council that were shared in terms of thinking about the way forward and what could potentially happen at Council level. I'm happy to share that with Marie and Scott.

STEVE DELBIANCO: Also Mark and Margie and Alex.

CLAUDIA SELLI: Yeah, of course.

STEVE DELBIANCO: Okay. Thank you, Claudia. We'll protect the confidentiality of that discussion as we explore whether there's anything to pursue. Thank you. Back to the Thick WHOIS. Alex Deacon was finishing up that discussion. Does anyone have any questions for Alex on the Thick WHOIS summary that we have in front of us? Alex, anything to add?

ALEX DEACON: No, other than I'll make sure I just put a few short concise talking points together for Marie and gang prior to the Council calls.

STEVE DELBIANCO: We're now in channel three. The CSG group has a lot in here and I'll turn it over to Barbara Wanner.

BARBARA WANNER: Thank you, Steve. I'm very, very sensitive to the time. This is a very detailed report which I invite people to read. There are just three items that I'd like to focus on again in the interest of time. The first one is that the GAC Public Safety Working Group, actually, we reached out to the CSG and expressed interest in meeting during ICANN69. Guess what they want to talk about? Chantelle has frankly identified some openings during which that might occur. Unfortunately, two of them, I think,

overlap by a half hour work in the SubPro and work in the RPM Working Group. And the third time slot is just very hostile to Tasmania, to Heather's time zone. So I think we can agree, though, that we would like very much to have that sort of a dialogue. Do I understand the BC correctly?

STEVE DELBIANCO:

Absolutely. We're against any hostilities against Tasmania.

BARBARA WANNER:

All right, we'll try and get a time that works for all concerned. The second point I wanted to raise with people—and I'm not quite sure how we're going to take this forward yet, we have to discuss this in the next CSG planning call—is following up on the 31 August discussion with Göran and company, there is interest in the CSG, particularly the IPC and forming a special working group task force, whatever you want to call it, but it would be informal in nature. Just a core group of people that would continue discussions and work directly with Jamie and other members of ICANN Org in terms of discussing address domain name abuse and compliance issues, I guess working on perhaps language and some of the contracts. I don't know exactly what the scope of this work would be. But if you would like to participate in such a group, please let me know. Just shoot me an e-mail quickly and let me know. Also, it's unclear to me when we would sort of spring this idea on ICANN Org. Whether it would be in the context of our CSG Open Meeting with Göran and other members of the Board, or whether we would sort of approach them before ICANN69 and kind of get the ball rolling and then

report on the work of this group. So if you have any thoughts on timing, I'd also appreciate that too so I can share that with the CSG ExCom.

Then the final topic I want to address today anyway is how we want to address the EPDP in our meeting with the Board. The CSG ExCom is still not united in how to approach our presentation before the Board. ISPCP support of having a unified 45-minute combined CSG engagement with the Board on one topic and then divvying up the remaining 45 minutes between the three constituencies to do adjust the topic of their interest. I can imagine that the IPC and BC would like to do a combined presentation to the Board on their concerns about the EPDP2 and the fact that there isn't an evolutionary mechanism and so forth and so on. Or in the interest of inclusiveness and presenting a united CSG front, shall I propose that perhaps we focus on these EPDP2 next steps, the accuracy report and the legal versus natural or the issues that Claudia raised about where do we go from here? I really would appreciate the thoughts of Margie, Mark, and others as to how we went to focus our time with the Board with respect to EPDP2. Any thoughts?

STEVE DELBIANCO:

Barbara, I think that a call that you had were unable to attend BC members to support the idea of having multiple topics so that each of the CSG pursue their own. But that doesn't detract from the idea that the 45 minutes of combined single topic could be the EPDP way forward.

BARBARA WANNER: Okay. All right. That being the case, then I think the IPC and BC are certainly at liberty to present a slightly different point of view in terms of what we would like to see as the way forward. And the ISPCP can, I don't know, express their viewpoint. It's their consensus among the three constituencies concerning the way forward is my concern.

STEVE DELBIANCO: I doubt there is. I don't get the sense that the ISPs really want to continue on this. Anybody have anything different? Because they're likely to vote for the report next week.

BARBARA WANNER: Okay. All right. Well, I'll raise this again on the CSG ExCom call and reach out to Heather and Dean and the interim concerning perhaps a combined BC, IPC focus on the EPDP. And if we have to re-carve up the time to allow ... I'm just looking at Mason's message to me and I lost my train of thought. So if we have to re-allocate the time to enable all constituencies to have a fair amount of time before the Board on their issues of concern, we'll just do that.

STEVE DELBIANCO: That's a good fallback, isn't it? I think that's fine. We aspire to do more and be combined but we want to have a good fallback that would keep the ISPs happy. And again, as Marie indicates, the ISP is moving in as the Chair of Council too. So I think we want more than ever to prove our relationships with ISP.

BARBARA WANNER: Okay, thank you.

STEVE DELBIANCO: I think you have more with respect to the upcoming meeting.

BARBARA WANNER: People can read it. I invite them to read it. In terms of the selection of the GNSO Council, it looks like there is a Council consensus in support of Philippe. We still do not know who the NCSG will put forward as Vice Chair. They've been very enigmatic about that so I can't help you out there.

In terms of the plenary sessions or the high interest topic sessions or whatever we're calling them these days, it looks like the Registry Group is working on the domain name services. First of all, this is not the CSG representative's responsibility to generate these proposals. I just wanted to clarify that in the interest of finding a successor for this position since I am term limited. The BC's domain name abuse system we'll go forward under Mason's very able leadership and the ALAC's proposal focused on consumer protection will go forward as well. I guess Fred Feldman will seek to recruit some BC speakers. That's my report, Steve.

STEVE DELBIANCO: Thank you, Barbara. Any questions for Barbara? Claudia, back to you.

CLAUDIA SELLI: Thank you, Steve. I don't have anything else to update the group with. I would leave the floor to Jimson for the Finance Update and Operations. Thanks, Jimson.

JIMSON OLUFUYE: Thank you, Claudia. Greetings, everyone. I trust you're all keeping well. I can see that we have time constraints so I will just go over the main points. With regard to finance, we are still right at the 76% mark. We want to encourage members to check their main status, it is still pending. We're here to help you through the process. This is important for the upcoming election. It's only members that are in good standing, who's fully paid, they'll be eligible to stand and can be voted for and can also vote by splitting the election. Speaking that the officer's election is forthcoming, from next month, the notice is already out. So all officers positions are open, the Chair, Vice Chair Policy Coordination, Vice Chair Finance and Operations, and of course CSG Rep. So the details are on the mailing list. From October 5th, it will be opened.

The article for our newsletter still being the expected from anyone. Please send in your article. I will be reaching out to Mason concerning your article, well crafted ... I beg your pardon, was that missing ... Alex Deacon, perhaps if you cannot breach that for our newsletter, that would be great to see fantastic article you did, Alex.

Perhaps we'll also get some feedback concerning the [inaudible] study. I don't know if Steve could say something about that before we close the meeting. So that is it all from my side. Back to you.

CLAUDIA SELLI: Thank you so much, Jimson. Any questions for Jimson? No. I don't know if members have any other business to raise.

JIMSON OLUFUYE: Steve, would you like to provide an update on the [inaudible] report or study?

CLAUDIA SELLI: I don't know if Steve is on mute or maybe he doesn't have anything to add.

JIMSON OLUFUYE: Okay. I think that study is still ongoing. Perhaps at the next meeting, there will be more concrete topics on that. Thank you, Claudia.

CLAUDIA SELLI: Thank you so much, Jimson. With that, we are on the top of the hour. I think we can adjourn the meeting and close the recording. Thank you very much, everybody. Stay safe.

JIMSON OLUFUYE: Thank you, Claudia. Bye.

CLAUDIA SELLI: Thank you. Bye-bye.

[END OF TRANSCRIPTION]