BRENDA BREWER: Good day, all. Welcome to the Business Constituency Membership call on the 18th of March 2021 at 15:00 UTC. Today's call is recorded. Attendance will be taken from the Zoom participation. Kindly state your name before speaking and have your phones and microphones on mute when not speaking and I'll turn the call over to Mason Cole. Thank you.

MASON COLE: Thanks, Brenda. That's the peril of having two last names. Good morning, good afternoon, and good evening everyone Mason Cole here, chair of the BC. Welcome to our call on March 18th. We have a very busy agenda as usual which is compounded by the fact that this is the preparatory week before ICANN so let's go ahead and dive right in, we have lots to cover today. Before I do that, are there any changes or updates to the agenda for today? All right, I see no hands. All right, let's dive into item number two. Steve, may I turn the floor over to you for the policy discussion, please?

STEVE DELBIANCO: Thank you, Mason. I'm putting the screen up right now and I sent this around yesterday. If any BC member doesn't have it, just indicate in the chat and we'll send it again. This policy calendar will be a quick one I believe. I have one thing to update since our last call and that is on the 8th of March thanks to Ben Wallis' great leadership we've prepared basically three documents arising out of one set of comment development and position development, and it's regard to the NIS2 proposal coming out of the European Commission. Our goal under Ben's

guidance was to be able to respond specifically to the European Commission's consultation and that's the first document listed. We also wanted to create a positions that we could contribute in private conversations with members of the European Parliament and the council administrators in order to encourage adoption and even go so far as to propose a few amendments to clarify things in ways that will be favorable to establish BC positions.

The purpose of this painful process was to make sure that we have an officially approved per our charter a set of positions and comments that we make both within and outside of the ICANN context. Again, a big thank you to Ben Wallis for leading that effort. Ben, why don't you update our colleagues, then, on where we are right now in terms of the submission to the commission?

BEN WALLIS: Yup, thank you, Steve, and hopefully my microphone's okay, I couldn't get my headset to work so it's been picked up by the laptop. Yes, I've seen this morning there are 64 responses to the commission's consultation. The deadline is about, well it's 11:00 PM UTC today so I'm sure there will be more coming. I expect most of them relate far more broadly to other elements of the directive but there are a few there about article 23 and I did note that INTA, intellectual property organization has also filed comments. In terms of the legislatives that the Parliament and the council, they operate at different time tables and we only found out yesterday that the council is already possibly going to be looking at article 23 on WHOIS data at its meeting next Wednesday so I'm working with Mason and also with Nick in [Disney's] Brussels

office to turn wording from our approved BC document into these amendments with a cover note that can be shared already with counsel officials next week. We're still waiting to find out how far down the track the Parliament is but we sent out about 20 initial emails to different people in the Parliament and the council. One thing I would welcome any suggestions and comments on is whether people have contacts with GAC officials or know of some countries in the GAC which were particularly interested in the WHOIS issue because it would be great to reach out to those and then ask them to contact their government officials who will be looking at this legislation.

I'm developing something that Claudia Martinuzzi can send to the French officials and any other suggestions greatly received. Thanks.

STEVE DELBIANCO: Thank you, Ben. Let me ask you that since this is official BC position that any of you who share these documents or links to the documents that you make sure you CC your policy coordinator, myself—for the next several months at least—CC us on that in the public CC line so that it is officially part of the Business Constituency correspondence because that's an official outreach even if you're just sharing it. I'm aware that we will probably take criticism from contract parties and NCSG, that we've gone outside the ICANN process. Here we are working with other governments. Well, this is an attempt to clarify European regulation out of GDPR that was over-interpreted through ICANN policy in a way that diminished its usefulness to protect our consumers and our users. We are absolutely reaching outside of ICANN to try to do a midcourse correction to the European legislation that gave rise to breaking WHOIS.

I'm not going to apologize for doing that, I'll defend our right and responsibility to do that to guard the BC interests. But I really do need to know who we've shared it with so that if it comes around the back door that we get criticism from NSCG and others, that I know who has it. Ben, you could probably just package up and send me a list of who you've already shared with and I'll have that. I'm not going to put it on the website, I just need to have it in my files. Let me ask you this, Lawrence, Mason, Brenda, do we have generic email addresses at bizconst.org? Do we have policy@bizconst.org?

LAWRENCE OLAWALE-ROBERTS: No we don't, Steve.

STEVE DELBIANCO: Okay. I don't see Jimson on the call. He might've set those up at one point but then for the time being, just send it to SDelBianco@netchoice.org if you don't mind.

BEN WALLIS: Yeah, and I was planning to produce a log of everyone we reached out to and the responses we received so far, so I will share that with you that that'll be the way that we keep a record, as you say, going forward of everything that's gone out.

STEVE DELBIANCO: Could be a live doc. If you did a shared, you're with Microsoft so I shouldn't say a Google sheet, but a Microsoft Excel sheet that it's a

live… Send me a link to that sheet and I'll see it as you update it live as opposed to people pushing a PDF around that'll get out of date right away.

BEN WALLIS: Yeah, Microsoft's technology-neutral. I'm happy to do a Google Doc too.

STEVE DELBIANCO: Okay. Either one. BC members, how about questions and comments for Ben on this effort for NIS2? This is very important for the BC. Alex Deacon has joined us from the EPDP Phase 2 call which is still going on. Alex, I imagine you would back me up that it's essential that we try to get NIS2. It's really our last gasp to say WHOIS is a useful tool. Mark Datysgeld, your hand is up.

MARK DATYSGELD: Thank you very much, Steve. My question is something that we heard on the call with the ccNSO and that has been circulated in the council, is, where exactly do we stand in relation to this idea that this directive could derail all of the EPDP process? I get a general feeling, I understand the general idea but as somebody who is not specialized in law or in this process, I really want to understand what are the—if you want to call it—odds or likeliness of whatever comes out of this simply rendering the work that has been done so far not correct or not useful, if my question is clear enough. [inaudible].

EN

STEVE DELBIANCO: It is, Mark. But Mark, here's the problem. If all the NIS2 does is to, let's say, require publication for non-natural persons, the policy in place on ICANN allows that. It doesn't require it, but it allows it. So there are some in the Contracted Party House and the NCSG will say, "There is no problem here." NIS2 can come out and require the publication and any registrar who's subject to the European countries who pass it, they're allowed to publish that information in the policy that ICANN already has. That's not satisfactory—as Alex would probably indicate—because we end up with a real patchwork of what's published and what's not for legal persons. It's not ideal. We would prefer the policy that ICANN adopt be a single global policy just the way they did on GDPR. In other words, they overreacted to GDPR and applied it globally, we'd like them to just as much overreact to NIS2 and apply it globally.

It's a very complicated answer, Mark, because the policy allows it but does not require it. Ben, do you want to add to that?

BEN WALLIS: No, no. I wouldn't add to that. Thanks.

MARK DATYSGELD: Thank you. [inaudible].

STEVE DELBIANCO: Mark, we're going to cover this in more detail during Marie and your segment down below because you will be discussing this in council next week.

MARK DATYSGELD: Yeah, that's exactly why I'm asking. So let's keep treading on.

STEVE DELBIANCO: All right, any other questions for Ben? Thank you, Ben, appreciate that. I'm going to scroll down now to the open public comment periods. We have one of them on the IANA Naming Function Review which closes next week. In fact, it's going to be easy because I am recommending—and I started this two weeks ago—I recommended that the BC support the amendment and we had already done a comment in support of this when it was in draft form. I had asked whether there was any objections and no one has objected, so I am going to indicate the BC supports the amendment for the IANA Naming Function Contract. Last chance. Okay. Number two, we have the EPDP Phase 2 policy recommendations for Board consideration. The Board wants to know what we think about the Phase 2 policy recommendations and it's different than the priority two items from Phase 2, it's about Phase 2 policy recommendations.

Right now Margie Milam and Mark, who are our reps, Alex and I and Brian King helped them and we have spoken to these recommendations in the joint minority statement we put out and that is what we're going to use as the basis of this. So I am grateful that John Berard, Andy Abrams, and Waudo have all volunteered to draft BC comments to pick up on what we said in the minority statement. And the audience for this isn't ICANN staff, it's part of a PDP. The audience is the Board who wants to consider these recommendations before they implement

them. So, I'll take a quick queue, is there anyone else who would like to volunteer for that, or are there any comments or questions? Great, thank you. Next one up doesn't close until the 8th of April because ICANN extended the deadline on comments of the new security stability and resiliency review team recommendations.

These are extensive recommendations and to get things jump-started BC member Denise Michel who was co-chair of the SSR review team, she circulated some really excellent notes, an outline on elements in the recommendations that really deserve further comment. I circulated that to the whole BC—thank you, Denise—just the other day. So you all have that and the current set of drafters are Jimson, Mark SV, and Waudo. We want to circulate that to you all before the end of March so you'll have your seven-day review period. Any other volunteers who want to help with that, or comments? All right, and the final one is due middle of April and it's on the third PDP within the Country Code Name Supporting Organization on retiring ccTLDs.

Now, this is only of tangential interest to BC members but we did weigh in because it has to do with the policy of retiring ccTLDs that are no longer part of the United Nations ISO 3166 table. Things like .su, who knows what .su was for? That's a quiz question. But it needs to be retired and we're looking to try to get a policy. This should be a very, very brief comment. Last time around Jimson and Lawrence drafted it. Any volunteers in the BC that want to help with this very brief comment? Should be an easy one. There you go Andrew Mack, Soviet Union. You got it. Thank you, Lawrence, I appreciate your help with that and you're already doing quite a bit as administration chair. Okay, now I'm going to move to support for our counselors. Now, Marie and Mark

are our counselors and you won't believe the action-packed agenda for their meeting next week.

This is next Wednesday the 24th of March and what I have here is highlights so Mark and Marie, you just tell me and I'll scroll up and down through your packed agenda but I have everything in there.

MARIE PATTULLO: Yeah, it's going to be a fun one. Thanks, Steve. Before we get to next week, just to update you guys on a couple of meetings we've had already and will be coming up. We spoke, as Mark just said, to the ccNSO Council last night. Not much to report there apart from me getting angry because the guy presenting about the European Union developments got it wrong and that always annoys me when the presenter gets it wrong. But, anyway, we're also going to have a conversation with the GAC. Now, this is interesting because it's just before our council meeting and slightly switch screens here for a minute so I've got my notes in front of me. But the GAC is interested in a number of things that we are interested in also.

I'll come back to the EPDP when we take that part. On the council agenda, we're going to be discussing the accuracy scoping team. Now the GAC, as you know, is very keen on accuracy too and wants to be involved which is great so unless you tell Mark and I differently we'll certainly be making friends with the GAC over that part. When it comes to DNS Abuse, the GAC understands that it's got a right to request an issues report for a PDP on abuse. They might want to discuss that with us, we're not sure, but they definitely think that DNS Abuse must be

addressed before the Board adopts the SubPro recommendations and that's interesting. I know that the BC position is that Abuse must be considered but we don't actually think PDP is the right format but it is really important, I think, that we focus in on what the GAC is doing on abuse. They're in the PSWG, we know that they're, again, on our side that way so I think that could be a very interesting conversation, and of course, Mark and I will let you know if you can't actually join the session yourself if there's anything you want to talk with us about there.

We've got two votes on the council, neither of which I'm going to talk about. You see one is on screen there on IANA, the other one is on the transfer policy. We're simply going to vote yes because we don't see any reason not to and both Steve and Mason have told us to. Steve, could you scroll down a wee-bit, please? Thank you. The infamous EPDP 2A

STEVE DELBIANCO: Real quick, Marie, on your prior comment I wanted to weigh in that I had a prep call yesterday, actually, it was the [V-Team] call where a GAC member indicated that they didn't love the idea of having an entire PDP on DNS Abuse. They didn't love the idea because it's difficult for the GAC Public Safety Working Group to find volunteers from governments who will participate so there was a tiny bit of reticence, but I still think you're absolutely correct, that they're with us on abuse, they're just not eager to have a PDP. That doesn't mean they'd oppose it, but I'm just giving you a heads up. Thanks.

MARIE PATTULLO: That's good. It's pretty much what we said.

STEVE DELBIANCO: I know.

MARIE PATTULLO: Yeah. Now, the EPDP 2A, here I really should turn to Steve or Alex but what's going to happen is if you remember when we chartered the 2A, there was a part of that charter that said that the chair had come back to council and basically tell us, "Yeah, we're going to get to consensus, we might need a little bit longer please," or, "You know what, not a chance. Just kill it." Keith Drazek is the chair of this process with Brian Beckham of WIPO his vice-chair. We still don't know what Keith's going to say and I've been watching the Skype chat as to the meeting that you've all just been in, or some of you are currently in. But I think maybe Mark is the best place to take this, Steve if he's here, or Alex, or you.

STEVE DELBIANCO: Alex, would you weigh in? And you and Mark are both here. Thank you.

ALEX DEACON: As an observer, Steve, I'd feel more comfortable if either yourself or Mark could chime in first. I'm happy to give some color afterward.

STEVE DELBIANCO: All right, Alex, I'm going to hand it to you because you were in at least on the first hour of the call and I was on the BC ExCom call. But Marie has quite correctly indicated that there's a threat and an opportunity

next Wednesday in council. I think that if Keith Drazek and Brian Beckham came back to council and said, "It's not likely to have a consensus on any meaningful outcomes," then the NCSG and contract party on council are very likely to move that we terminate the EPDP, and we have to be prepared for that. Whether to just simply to vote no and lose or have a counter-proposal. I have surfaced in the CSG call earlier this week that my personal belief is that we ought to be prepared to suggest that the EPDP Phase 2A be suspended pending the NIS2 being adopted or amended by the European Parliament. Not that every country has to implement it, but just to see what form it takes and that could happen as early as July, maybe as late as the end of the year. A suspension in my opinion would be far better than a termination but this is the time to discuss it because we need to give Mark and Marie the right ammunition to handle what comes back.

Now, Alex, I'd like to turn to you. Was there any discussion by Keith on today's EPDP on what he's going to report to council? And what do you think?

ALEX DEACON: Yeah, I came in a little late also but I caught some of what was posted in our chat. It seems like Keith is leaning toward suggesting to the council the group continue. He indicated that we're making some good progress. He also mentioned the fact which I think is important that we have not yet received legal advice from Bird & Bird on questions that the Phase 2A legal team has asked, has requested. I think all of those things combined indicate that Keith will request more time at the next council meeting. That's my takeaway from what I heard.

STEVE DELBIANCO: Alex, do you believe there's a risk that NCSG or someone in contract party will oppose Keith's recommendation and move for termination? You think there's a risk?

ALEX DEACON: Well, if you listen closely to what the both NCSG and the registrars, in particular, have been saying since even before 2A was kicked off and the discussions commenced, it's pretty clear to me that the odds that they would agree to requiring a distinction between legal and natural is pretty close to zero. So, yeah, I do believe that based on that, they may decide it's time to end the discussion and continue with the understanding that there's zero chance for consensus in the Phase 2A team despite all of the great work the leadership from the GAC, Laureen, and Chris, and Melina and others who have been working very hard to come up with constructive details on how that distinction can be made and how risks can be minimized.

STEVE DELBIANCO: Thank you, Alex. If the consensus that Keith sees as likely is only a consensus on best practices and not a consensus on any mandatory disclosure or distinction, we're not going to have a lot of value in it and nor would it end up being viewed as significant by the GAC. Now the GAC will not be present during the council call so Mark and Marie in real-time are going to have to react to what NCSG and contract parties may do after Keith Drazek gives his report. Did Keith indicate whether he

would share his recommendation and report with the EPDP prior to next Wednesday's council meeting? I don't think he did.

ALEX DEACON: I don't think he did either.

STEVE DELBIANCO: Yeah, so it's on the agenda but is he likely to spring that recommendation at the last minute? That's not his style so…

ALEX DEACON: I think it would be a mistake.

STEVE DELBIANCO: Yeah, yeah. I don't know, Marie, would you do an outreach to Keith to ask whether we should expect to see his recommendations prior to or during the council meeting? It would be cool. Then, that'll give us some indication. Then, Alex, what is your view? Would you second my motion that Marie and Mark should be prepared to argue for a suspension if it looks like there's a move to simply kill it?

ALEX DEACON: Yeah, it puts off the inevitable but I do—and I don't know if this is on the agenda—but I do like the input from the IPC on how discussions related to WHOIS should be paused if you will until the impact of NIS2 is fully understood because of the risk of that regulation coming into a force

right in the middle of not only policy setting but perhaps even implementation.

STEVE DELBIANCO: I am attempting to agree with the IPC on that by suggesting a suspension is better than a termination. Marie and Mark. Thanks, Alex.

MARIE PATTULLO: Thank you. We're also, as you see next on the agenda, going to be talking about one of our old favorites PPSA which has been paused by Org despite the fact that it has been agreed by everybody. I very much doubt we'll get very much that's meaty there but at least I'm glad to see it being on the agenda at least some kind of recognition. Historically we've always said, "That there's no reason for this to be paused, please unpause it. You claimed it was because of the EPDP. Well, that's pretty much done now, so where is it?" But unless you tell us differently then we will react in that fashion.

STEVE DELBIANCO: Well, be careful because in item seven on the agenda we might end up arguing for a pause pending the outcome of European Parliament. So that [inaudible].

MARIE PATTULLO: I agree, however they're different, Steve, in that this policy, the privacy proxy policy, has already gone all through the entire multistakeholder community and the council and the Board, and it was paused by Org, we

weren't asked about it. Whereas what we're requesting is should the European co-legislator, the council, and the Parliament adopt NIS2, we are preempting an awful lot of wasted time and wasted efforts by saying, "Let's just put this on hold until we know what's actually going to happen. And to me I think that's a very different thing. It's not being forced upon us.

STEVE DELBIANCO: ICANN Org argues that the reason they're pausing PPSAI was because they, too, want to find out what NIS2 comes up with. If they ended up making that argument, fine.

MARIE PATTULLO: Well yeah, that'll be a new argument because they certainly never mentioned that one before because they paused it years before anybody had thought about NIS2.

STEVE DELBIANCO: That's right.

MARIE PATTULLO: Could you scroll down a wee bit more please? Because I'd like to get to the SSAD as well. Now you'll remember that when the council adopted the Phase 2 recommendations, it included a request to the Board to talk to them about the financial sustainability of SSAD. We've had a couple of the so-called small team meetings about this, last one a couple of days ago. We had a conversation with the Board as well, the entire

council, and frankly, all of us came out of it going, "What was that and what happened?" It was all about this infamous ODP that nobody quite understands how it's going to operate because they haven't quite finalized how it's going to operate so we didn't really talk about the finances, we talked about the operation of the ODP.

Wrapped up in this is a whole bunch of questions about why has the Board asked the council to do the Board's job? What does the Board actually want the council to do? Then you've got the other question, if it does come down to the basis that developing this SSAD is going to be massively expensive and no one is going to use it, do we actually want the Board to put in place the SSAD that no one is going to use? There's an awful lot of different questions wrapped up in there. After the last conversation we had which was, from memory it was Monday, there's going to be a new draft letter coming out of staff that I'll share with you as soon as I see it because we'll need to respond to it within the next couple of days because they want to get this out to the rest of the council prior to our meeting.

That in itself is going to be a really interesting conversation, I think. Now unless there's something else from me, I'm going to hand over to my co-councilor, Mark.

MARK DATYSGELD: Perfect. I would not want to drag this session any further but still, there is the matter of DNS Abuse and I would like to reinforce that we have been making some ground on that. We had a strategic session—I think I've mentioned this—within the GNSO Council and with SOAC

leaderships and we had several different breakout rooms to decide priorities for the year and every room came out with DNS Abuse on top. I've heard from Org before that this is something they're willing to discuss with the community and the contracted parties say we don't have a definition and there are very weird things like that. There's this whole stalling process going on around this but I think there's a way to just break through this because clearly there's interest in the community and this can be something that isn't some initiative from the CSG that we'll have to fight an uphill battle for. I think that there is real interest in the community to start addressing this so I have been trying to keep up with the DNS Abuse Institute. I don't know if all of you have [caught] onto this one. So PIR has started a DNS Abuse Institute. If anybody can post a link to the chat, that would be good, and we don't have formal definitions yet of what they intend to do.

We had a call. Yeah, I did, Chris. If you want, I can summarize that a little bit. So in answer—if anybody can see the chat, Chris is asking about the event that they carried out this week earlier. I was there, he was there as well. Two of us were there. In essence, this institute. from what I understood, what it intends to do is be a little bit of a think tank or like a soft source for this kind of thinking that goes beyond the DNS Abuse framework. One thing that I was wondering was, will they be bound by the DNS Abuse framework? The answer seems to be that they will not. Right? The answer seems to be that they intend to advance research on this and act as a place where people can brainstorm and aggregate news and discussions about this.

On the one hand, it is PIR and clearly, they have a campaign going on to rebuild their morale. They're standing with the community after

everything that went down. So clearly, there's that. But on the other side, there does seem to be a legitimate interest from their part to advance this, so it's definitely something that we should contemplate getting more involved with them, starting to talk with them, having them during a membership call, starting trying to communicate. If they put out a request for public comments, we should participate 100% because it does seem like they have a very active interest in moving this forward. Unfortunately, I [can't say] that there were many outcomes as in goals right now from that initial call. They really wanted to introduce the project and talk with the community but I will be definitely following that one up. I believe [inaudible] as well. If anybody wants to join us, feel free and we can keep anybody on the loop. Graeme is happy to meet with BC too. Mark has spoken to him, yeah, we are definitely going to talk to Graeme on a more individual basis.

A lot going on in the DNS Abuse front and I would like to give the floor to Mason.

MASON COLE: Thanks, Mark. Yeah, in fact, Graeme is going to be a guest at our BC meeting I believe on April 8th where he's going to discuss the DNS Abuse Institute so that we have a better working knowledge of what PIR is up to. They also are going to have another seminar in late April or early May to which I've been invited to represent the BC. So I don't have any more information on that just yet but I'll be glad to update the BC when that happens. Just as a general comment, I have to hand it to the contracted parties, they're doing a very good PR job here trying to get out ahead of the issue of DNS Abuse. That doesn't excuse the BC's and

other constituencies' interests in dealing with DNS Abuse in a comprehensive way.

While I applaud what the PIR and others are doing, I don't want to sit back and let those efforts overtake what we've been advocating for for so long, which is a uniform approach to DNS Abuse. So just to say that that issue is certainly not dead and we remain very active on it and I encourage the BC to stay vigilant in terms of paying attention to DNS Abuse. Thanks, Mark.

STEVE DELBIANCO: All right, any other questions for our councilors? Marie, go ahead.

MARIE PATTULLO: Thanks, sorry, I didn't take myself off mute. I think another aspect to what you just said, Mason, is that the contracted parties always come back to their definition, the definition of abuse that they put into their voluntary framework, so not the abuse forum, the other one that the registries and registrars came up with. That doesn't include some things that we want to see in there. And we had a discussion on this in council—I don't know if Mark can remember when—I just remember it was recently and what I found really interesting was the NCSG rep, Carlton, who I've got a lot of time for, and Carlton kept sighting the recommendations that came out of the CCTRT review. I may have missed a C in that, but which also looked at abuse.

So we've got all these different tie-ups here, the recommendations which the work has already been done there in the CCTRT, then you've

got the definition the contracted party use, then you've got what we want which is wider. We, including the GAC. So I completely agree with Mark. There's a whole lot of touchpoints here and Mason, it's fantastic that you're speaking in that forum but we do need it to be not just only me and my friends, we do need it to be wider. Thank you.

STEVE DELBIANCO: Any other questions for Mark and Marie? Great, thank you. We'll turn it over now to Waudo Siganga. Waudo is our liaison to the Commercial Stakeholders Group for the BC. And I have the screen in front of you, Waudo, just tell me when to scroll.

WAUDO SIGANGA: Okay. Thank you, Steve. Plus apologies for coming on the call a little bit late. I didn't know we were starting one hour earlier than usual. First of all, just to recap a little bit what has been happening on the CSG. In the past two weeks since that we last had our meeting, the CSG has had a meeting with the Board, the full ICANN Board, and a number of issues were discussed there. I think some of the BC people were on that call but for those who might not have been on the call, maybe I just quickly go over the issues that we discussed with the Board. The first one was a quick discussion on the holistic review that is coming up following the ATRT3 recommendations. Most importantly, people wanted to know how the scope of that review is going to be, and also perhaps what content it's going to have.

It's been said that there's going to be what is known as a pilot for the holistic review so there was also concern about how the community will

be involved in that pilot and we were given some reassurance that the community was going to be involved in all aspects of the pilot for the holistic review. There was also some talk about the legislative proposals out of Europe that may or may not impact on policies and the Board also gave us some reaction on that. The third issue that came up was on the ODP. But this ODP is something new to some people but we were informed that it is basically a formalization of some processes that have been there within ICANN in the past where the Board goes back to ICANN Org to get more information about some of the policies that come out of the GNSO.

I think that was the discussion on the ODP, Operational Design Phase. We also discussed something on the Interisle report that some of you may remember that the BC was involved in sponsoring, and they were reassured by the chairman of the Board that the Interisle report has been received and is also been used in consideration when coming up with some of the new policies, particularly those ones with regard to the issues that were being dealt with in the Interisle report. Then we also had a discussion on the ICANN draft operation and budget plans where Jimson Olufuye came up with some questions for the Board and we also received some answers on that. Coming up, we have a CSG open meeting that's going to take place on the 23rd of March and you're all welcome to participate in that one.

There will be some interesting things that we have brought up in that meeting just to wrap it up and make sure more people able to participate. One of them will be a presentation by Göran on the technical versus policy aspects of Internet governance. So I think that one should be quite interesting for those of us that will be able to

attend. We also have a presentation on what is known as Universal Acceptance and if you remember last time, I pointed out a link or I think a couple of links which also Steve has sent out in today's notification that you can be able to read and do some background understanding on what is a Universal Acceptance in preparation for that presentation that will be there in the CSG open meeting. Basically, that's my short report. Thank you, Steve, back to you.

STEVE DELBIANCO: Thanks, Waudo. Are there any questions for Waudo on CSG? I'll point out to everyone that the meeting on March 23rd is an open meeting. The meeting we had on the 16th was a closed meeting. Closed meetings we are very different than we are in an open meeting. They'll be wide open on the 23rd. And Mason, I turn things over to you but let's remind people that our BC meeting next week will be an open meeting as well. Thanks, Mason.

MASON COLE: Thank you, Steve. Yes, indeed we do have a meeting on the 23rd which is next week during ICANN70. I'll pass an agenda around as soon as it's finalized and it is an open meeting so we need to take care with our comments with one another. Part of that agenda is going to include an update from the NomCom which I know this is of interest to many of the BC members so there will be a NomCom update on developments within the NomCom. Please do make time for the BC meeting next week and then we'll resume our normal schedule after that. So, very good. Let's see. Brenda, can you put the agenda back up, please? We're going

to go to item number six which is an operations and finance report from Lawrence. Lawrence, would you take the floor, please?

LAWRENCE OLAWALE-ROBERTS: Thank you, Mason. Good day, everyone. Brenda, please, I'd love to share my screen if you can grant me the right. Okay, so I'll just go right ahead. We have the BC open meeting scheduled for the 23rd, Steve and our chair have spoken about that. I'm sure that we all have received calendar invites being BC members. Please let's make it to this meeting. Also with regards ICANN there is a final call for the nomination for community excellence award which closes on the 29th of March. This is the means of recognizing members of the community that have excelled and I think we have quite a number of them within the BC. We'll be happy when an announcement is made and we have the likes and Steve DelBianco, Suzanne, and Cole mentioned.

So kindly use the period we have left. This is not closing until the 29th of this month, March, we should kindly use the opportunity of the time we have left to try and nominate BC members that are eminently qualified for this award. Thank you. The NomCom positions are still open and like the chair said, we'll be having a team from the NomCom, the outreach team from the NomCom speak to us on Tuesday about the BC open meeting. In short, it'll be interesting to note that if my memory serves me right, the current chair of the ICANN Board I presume will be standing for reelection aside the two African members we have. We have quite an opportunity to ask the NomCom team some questions with regards to their process.

We still don't have any new member joining us in today's meeting. We will continue to find the best approach around our virtual world, so to say, in attracting new members into our community. We have a healthy operational balance of over $60,000. This is because the ExCom has warehoused $60,000 as our reserve, as our BC reserve funds. That's an amount that can easily cushion the effect of operations for the BC for at least a full year. So financially, we are very much stable. I read some comments in the chat from Barbara making inquiries with regards BC elections that should be upcoming. The next BC election is not due until mid-May so we have well over a month or so before that process starts.

This is going to be [inaudible] seats on the GNSO Council for the 2021 to 2023 term. ICANN staff has gotten back to ExCom that Marie is eligible for reelection because she technically was sitting in to fill the void created by Phil Corwin's exit on the council. Marie is eminently qualified to recontest for this particular seat. I read that she has also indicated interest to continuing this position in the [chat,] and so I will encourage that. That is encouraging and I'm sure that the BC will want to encourage her to continue doing this [sterling] job she currently does for all of us on the council. When the time is due, [looking at the 10th of May,] we will be making that announcement to start off the election process on the BC priority list.

With regards to our BC committees, last meeting we [inaudible] the idea of additional committees that we want to set up, communications committee, ad hoc committee, the website and media, [recommendations and ICANN Learn]. Currently, we are working on terms of reference [inaudible] for each committee [inaudible] that this is a requirement in the BC charter that should go with the announcements

on the private lists. So once we're through with drafting the terms of reference, the reasons for having them, how they should operate and all that, we will share all this information on the BC private list. For those who are interested in volunteering, please kindly exercise some more patience while we get that sorted out. With that, I would want to deal with the last item that we have on our agenda for today which is the fact that we finally have our ICANN70 newsletter done and ready for public viewing. I will be sharing this right after the meeting with members and we will also post it on the BC website. We have a welcome note from our [inaudible] chair Mason Cole and also some beautiful write-ups, mind-stimulating write-ups also from the chair and other contributors.

In this edition, we also have highlights on outreach events in the past and of note is a tribute that was scripted together in honor of [an amazon,] Marylin Cade by Waudo Siganga. All this, we will find when we receive this in our mail or download from the BC website. Thank you all, chair, I yield the floor back to you.

MASON COLE: Thank you very much, Lawrence. Excellent report, and the newsletter looks great, so excellent work on getting that finished. I encourage everybody to take a read of the newsletter, Lawrence put a lot of work into it and it turned out very nicely. All right, Brenda if we could have the agenda back, please, that would be great. All right, we're on item number seven, we have nine minutes left in the meeting. I wanted to open on agenda item number seven, the open floor for BC member issues. I wanted to open two issues for BC consideration. As was mentioned earlier, the IPC has published a letter advocating a pause in

SSAD work on the part of the EPDP team. I wanted to bring out the idea that the BC could either endorse that idea or put in its own communication to the board advocating for a pause in such work.

I'd just like to open the floor for discussion briefly on that idea because I think it may be, well, it's certainly in our interests and it may be a powerful message for us to send to the Board. Let me briefly open the floor for discussion on that idea. Would anybody like to discuss? Chris, yes, we can post the link in the chat. Thank you very much. Just a moment, I'll do that. Anyone want to take the floor?

ALEX DEACON: Mason, it's Alex.

MASON COLE: Alex, go ahead, please.

ALEX DEACON: Yeah, as I mentioned earlier, sorry I didn't see this. I didn't want to steal your thunder but I think it's a good idea. I mean, given the realities of when these policies will be completed, approved, and ultimately implemented we are many years away, I think, from that happening and it's clear based on what I've heard of how NIS2 will be approved and then implemented throughout the EU that that will happen long before we'll see implementation. So I think it's important that the community understand that we understand the impact of that and the fact that it will materially change the policies that have been set to date. So I would

support an endorsement of this letter or a separate BC letter that supports the concept in the IPC letter.

MASON COLE: Thank you, Alex. Appreciate that. There's some support in the chat as well. Jimson, please.

JIMSON OLUFUYE: Yeah, thank you very much, chair. Well, I just want to ask a question regards to endorsement [inaudible] community in the [inaudible] community is pushing for a pause. If I recall the time of the SSR2 process, when it was paused then, I can recall the reaction that we also put up that it shouldn't have happened because it has been endorsed by the whole community, it's mandatory, it's required and so there was a lot of issue we raised then about the fact that ICANN was not [flowing] with the community. In this case now, well, I don't know if it won't affect us down the line in the future if we have to—if the Board this time around that says a consensus position should be paused. So, are there other people in the community that are saying this should also be paused? Thank you.

MASON COLE: Thank you, Jimson. Let's see, we have a queue developing. Brain King, go ahead, please.

BRIAN KING:	Thanks, Mason. If I understood Jimson's point correctly—and by introduction, I was one of the ones who shepherded this letter through the IPC. One of the concerns expressed in the letter is that there was no consensus on this EPDP Phase 2. In fact, I think 8 out of the 18 policy recommendations did not have consensus. That, when you combine it with the fact that that the EPDP Phase 2 final report included a note according to the GNSO operating procedures that the policy recommendations were interdependent on one another, I think, creates a real problem for consensus and creates a very shaky foundation for the basis for consensus policy. I hope that's a helpful clarification or distinction to the point that Jimson made. Thanks.
MASON COLE:	Thank you, Brian. That indeed is very helpful and that would be a main part of the thesis of the letter that we would submit to the Board, but thank you for pointing that out. Anyone else for the queue on this? All right, then with the BC's permission, we'll get to work on a communication to the Board and circulate that from BC review and endorsement as soon as we can. Jimson, is that a new hand?
JIMSON OLUFUYE:	Yeah, it's a new hand and this is to say thank you to ExCom and the entire BC. I received the plaque. It was very nice, chair. Thank you very much, received it yesterday.

MASON COLE: Thank you, Jimson. Yes, do you have it there with you? Can you hold it up?

JIMSON OLUFUYE: Yeah, in fact, I'm somewhere else. I'm so sorry.

MASON COLE: That's okay. That's okay. Yeah.

JIMSON OLUFUYE: It's great. It's really nice.

MASON COLE: The BC will remember that we sent some plaques to outgoing EC members, or outgoing ExCom members as of the last term and they turned out very nice so I'm glad you all are enjoying them. Thank you. Okay, on item number seven, one other issue to raise which is I just wanted to point out that in previous ICANN meetings we've done, during the public forum, we've done a summary or readout of what the BC has accomplished during the week and what our positions are on various issues. We thought that might be a good thing to do again to get ourselves on record with the Board and others at the conclusion of ICANN70. So I had planned on doing that as chair. But if there are concerns or even ideas or contributions that BC members would like to make to that exercise, then I'd be happy to hear them. Anybody have any objection or thoughts on this or ideas that would like to be shared?

I don't see any hands, so I will take that as a yes. All right, very good. Alex, yeah, thank you for that comment. Very well. All right, item number eight, other business. Is there any other business to raise for the BC this morning? All right, I see no hands. All right, in that case, we are finished one minute early and I will return that minute to you with a reminder that we will meet again on the 23rd during ICANN70 and please make yourselves available for that meeting and we'll see you all online next week. BC is adjourned. Thanks, everybody.

[END OF TRANSCRIPT]