BRENDA BREWER:	Good day everyone. Welcome to the BC membership call on 16 December 2021, at 16:00 UTC. Today's meeting is recorded. Kindly state your name for the record when speaking and have your phones and microphones on mute when not speaking, attendance is taken from Zoom participation. Tola Sogbesan has sent apologies. And with that, I'll turn the call over to Mason. Thank you.
MASON COLE:	Thank you, Brenda. Good morning, good afternoon, good evening, everyone. Good to have you all on the call today. We have a little bit lighter crowd today. I suspect that's probably because of the holidays. But nonetheless, we're going to carry forward with our agenda. And if folks need to catch up afterward, they can. All right, the agenda is up on the screen. Are there any additions or updates to the agenda for anyone on the call today? Okay, I see no hands. All right. We have our usual agenda today as we head into the holidays, and we're going to begin with a policy update. So Steve, please take the floor.
STEVE DELBIANCO:	Thanks, Mason. I'll go ahead and display the policy calendar that I circulated yesterday. And folks can check their email, you should have a copy of it. If you don't, let me know, or Brenda. We'll send it along. First item up is to go over comments that we just submitted earlier this week. Thanks to efforts by John Berard, we drafted comments on ICANN's new proposals to change the way they do document disclosure policy. So this is an ability for us to hold, ICANN Org to a transparency

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standard so that when we want to see some inside documents, minutes from a meeting, negotiations, that we have an opportunity to request them. It doesn't mean that they're obliged to disclose. But what John did, I think, was so helpful because he looked at this policy. And it was trying to start off with the premise that we're limiting everything. We're limiting the documents you can get right from the get-go, instead of having a policy where let's say anything can be requested, and is a candidate for being disclosed. So you see the different approach there. I think it was excellent. John, do you want to give some of the other highlights of what the comment has? We've already submitted and everybody had an opportunity. But I wanted to make sure that you had a chance to talk about the approach that you took. John.

JOHN BERARD: Hi, Steve, good morning, all. No, I think you captured the key element there. Sometimes we spend so much time drafting specific approaches to problems when in fact, it'd be much easier to take an outcomes-based approach. And in this instance, I just applied that outcomes-based approach to the assignment. The approach was easy to come to because when you read the short material from ICANN, five pages long. Three pages of it were a list of documents. And I thought that that was just a ridiculous way to approach an initiative to instill greater transparency in the organization. We're not opposed to some documents being withheld, we just want to make sure that they're being withheld for proper reason. And I think this outcomes-based approach is a better way to go. So thank you, Steve.

STEVE DELBIANCO: Thank you, John. Our approach is different than the other comments that were filed. Even the IPC tended to start from the premise that that is the list. Now, keep in mind that without a named document, if I wanted to do a documentary information disclosure policy, I would need to say to ICANN Org, I want the following documents from the following dates. That means that I would need to know ahead of time what documents they even have, hence the need to disclose a list.

But where we are going is make a request to say I need all documents that staff has maintained on a meeting that occurred on December the 3rd at the Board level. And they can come back and say that we don't have any documents, they can come back to say we have documents but we're not going to disclose them. But the idea we're getting to is, open up the request for what we want to be able to ask for so that you're not confined to a strict list of documents themselves. So John, thanks for putting that in. I don't have much confidence that Org will go along. But I'm glad that the BC took a strong stand. Thank you.

All right, let me move into the open public comments. We only have a few right now. Things typically slow down around the end of the year, the holidays. So there's the retirement of country code top level domains. I listened to the minutes from your last meeting. Lawrence, I want to thank you and Roger for volunteering to draft a BC statement. Appreciate that. It's not due till the 12th of January, plenty of time to pull that draft together. And we can work off of the comment that you drafted earlier in April, Lawrence, as the basis for that. Thank you. Any other volunteers in the BC that want to assist Lawrence and Roger? Just let us know.

All right, the next one up. This is important. The board now has the EPDP phase 2A policy recommendations in their hands. And they are considering whether to approve it. Remember, it went over to the Board as a supermajority approved policy in GNSO Council, so the Board has a very high bar to get over to reject or amend those recommendations. I think the bar is lower if the Board simply came back with a lot of questions, or recommendations for future action.

And to that end, Margie and Mark worked so hard on the EPDP, as did Alex Deacon and Brian King, and came up with a statement that we read when Council itself voted on whether to adopt the final recommendations. And that's the text that's in italics on the screen in front of you. And on that basis, we prepared a Minority Report. And that minority report will be the basis for what we say to the Board of Directors.

Now, Margie and Mark, I want to thank you for volunteering. Actually, Margie volunteered and Mark SV got voluntold by Margie. We need to get that circulated to the BC members in advance of the Board's consideration. And I had said to you all last week that it's so important for us to figure out what the other ACs are going to do and their advice to the Board. Because if we know that, for instance, the GAC is going to have a very significant piece of advice to the Board, we'd like to support and echo what they're saying to the Board because we're part of the GNSO and things that we say to the Board are not taken as seriously because we're already part of an SO and we got outvoted.

But on the other hand, if we support things that the ACs, the advisory committees are saying, much better opportunity that the Board will

have to take what they said seriously. There's even a remote possibility that the GAC itself would come up with consensus advice for what they send to the Board, because that consensus advice carries a slightly higher threshold for the Board to reject.

Any other volunteers that are willing to join Mark SV and Margie in the preparation of the BC comments the Board? Again, I don't think this should be legalistic.

Margie is asking about the timeline. Margie, the comments close on the 13th of January. So we want to make sure that the BC members have it by the 6th of January. And again, Margie, I don't think it needs to be a deep dive into legal. I think it should stick with what we had in italics on the screen which you drafted, that we really keep a high enough level to say to the Board, "Wait a minute, process was broken here. A process was ignored. Things were not considered adequately. And oh yeah, here's what your three major advisory committees are telling you. How can you ignore that in the face of a contract party and NCSG voted Council?"

Anyone else that can help Margie? All right, thanks again for doing that. Let me go to number three. And the Finance Committee at the BC always does a super job of coming up with specific comments on ICANN Org's proposed operating plans and budgets, both for the organization itself and for things like PTI and the IANA successor organizations.

So on the 7th of February, way on the future, we need to prepare comments on ICANN's draft operating plan for the five-year period '23 through '27. Now, we commented back in February of this year, on the

five-year plan that was just concluded, and we had great participation from multiple members of the Finance Committee. So I'm hoping that those same volunteers can be coaxed into taking a look at this one before the end of January. Do we have any volunteers that would work on that? Last time around, Jimson, Tola, Kileo, and Lawrence and Tim Smith all worked on it.

LAWRENCE OLAWALE-ROBERTS: Steve, I'm on the audio bridge only. And I will be volunteering, not just myself. I'm sure the Finance Committee will also jump in to help with comments around this. Thank you.

STEVE DELBIANCO: Yeah, Lawrence. You're always volunteering and had one of the heaviest workloads in the BC as our Administration and Finance vice chair. So I appreciate that. But I would like to see another BC member too that can assist him. Do we have any other volunteers besides Lawrence and the finance committee? Okay, thanks again, Lawrence. I'll ask in our mid-January meeting for more help.

The next item up was a discussion of our advice to the European Parliament on the NIS2. Now, this one is complicated and we're going to wait for Andrew Bennett to join the call. He won't be here for another 15 minutes. So Mason, if it's okay with you, we'll come back to item four here on the screen when Andrew Bennett and Nick join the call.

So let's go down to channel two. And I will then turn things over to our councilors, Mark Datysgeld and Marie Pattullo. I did link to the agenda and pull through some of the items in it, but I'll scroll the screen however Marie and Mark want me to.

MARIE PATTULLO: Thanks, Steve. I'll kick off. We've just come out of Council. It closed at the top of the hour. There's nothing terribly controversial. So this should be first. First up, we need to give our congratulations because Arinola has been approved of the chair of the Standing Selection Committee for 21-22. So huge thanks to Arinola4 for coming forward for that. And of course, for the being approved. Thank you so much.

The other items on the consent agenda, the transfer policy reviews are going to take a bit longer. The IGO EPDP is going to take a bit longer. And the confirmation of the recommendations from the EPDP report, which we all knew was going to happen.

on the SSAD, there's going to be an informational webinar next week. That's only for councilors and for our EPDP experts. Unfortunately, I can't make it. I hope Mark will be there. And I know that Margie will be there. As always, massive thanks to Margie and to Mark for the work they do. Marks, plural, sorry, I should say.

There's a little bit of disagreement on the current perspective of the ODP. So the staff team who think that the governments can do more accreditation than the governments think they can do, in essence, Janis, who is the liaison between Council and ODP does not think that's the

case. He thinks that what the ODP have come up with is fine. But clearly, there'll be more discussion about that.

We then talked a bit about the other OTP. So that's SubPro. And what's happening there is that the ODP team have come up with their initial questions. They're not terribly complex. Council, the liaison, the leadership and the staff have come up with a draft of what they think the responses should be. I've sent that through to Steve at the moment. You will see it shortly for comment. It's going to come through officially, Mason, to you as well asking for comment.

What they're trying to do is formalize the procedure on how Council replies to the ODPs. And what they're more or less looking at is in between two Council meetings, if there are questions, get it out to Council and thus to the SGs and Cs, give us a couple of weeks to think about it, get it back into Council in time for a discussion if necessary at the next meeting.

We also talked about everybody's favorite, the organization field, Rec 12. What's happening there, as you know, the Board wrote again to Council, a small team drafted up response, met with Becky, more or less came up with an agreement. And you're going to be seeing the proposed response on that soon. The other bit we talked about is IDNs. And at this point in the proceeding, Steve, I hand over to my resident IDN expert, my co-councilor, Mark.

MARK DATYSGELD: Thank you, Marie. That was actually a great summary. It wasn't a very dense meeting in the sense of actual discussion. It was more procedural.

So first of all, congratulations to Arinola. it's great to see the BC occupying all sorts of different spaces within the community. That's definitely the way to go forward.

On the matter of IDNs, we are at an interesting, let's say, injunction point, I think. As you know, we have the IDN guidelines 3.0. And the idea moving forward is that the IDN guidelines version 4.0 get implemented. But the way to achieve that is a little tricky there. There are some obstacles along the way.

I will say that if anybody is interested in learning more about them, maybe reach out to me directly, because it would probably be a waste of our collective time if I explained each point right now. But basically, it has to do both with the matter of variants and the matter of harmonization of IDN tables. Those are the main key concerns that are being addressed at this moment.

This process is looking like it will take another year, probably, from the looks of it. Supposing the team keeps being properly—there's an appropriate amount of investment in that. From my perspective right now, I think that they are doing a fairly—it's not ideal, the amount of work that they're doing, but it's good enough. I think that we will see progress in these matters in the next few months. And maybe, as individual matters get tackled, we can discuss the relevance of each point individually and achieve a better vision of this. Thank you.

STEVE DELBIANCO: BC members, any questions for Marie or Mark on proceedings in Council? And there were no resolutions today other than the consent calendar, right?

MARIE PATTULLO: That's right.

STEVE DELBIANCO: Okay. Wonderful. All right, I don't see any questions or hands raised. So I'm going to move on to a couple of other updates outside of the Council meetings themselves, but they're still under the Council channel. The first is a small team that was just created to take a look at a committee for overseeing the continuous improvements. And we need one or two BC members to participate in the taskforce. We asked for this two weeks ago didn't get any interest. Mason, as he explained it, it's not going to take a lot amount of time, but it will extend for 9 to 12 months. So you can expect meetings, say every two to four weeks. Meetings might only last an hour. There'll be a little bit of outside reading and writing.

And it has to do with how to improve the statement of interest requirements for folks to participate in the ICANN community through the GNSO. This really, for it to take so long is a stretch, because the statement of interest is a relatively simple process. It's one where you disclose potential conflicts of interest and make sure that everyone else in the community knows where you're coming from. Maybe not where you stand, but where you're coming from. Can we get any BC members to take one of those two slots? It would be awful for the BC to have

nobody to put forward on this. And again, it's a really light lift. And you don't have to know a lot about the ICANN process in the acronym soup to be successful on this one.

Brenda, let me ask you. When do they need a name? Is there a deadline we have coming up? I'll let you look into that.

BRENDA BREWER: Will do. Thank you.

STEVE DELBIANCO: This is about statement of interest. So if any of you have in your careers worked on conflict of interest statements or conducted something like that—it's an interesting working group. Exactly. Zack, I'm trying to suggest that some of our newer members who haven't perhaps grabbed the pen would find this to be an easy way to get up to speed and deliver a lot of value for both your own organization and for the BC. All right, I'll press again in two weeks, hoping that we don't miss the deadline. Zak, let me turn to you next. You and Arinola are on the PDP working group for the transfer policy which we used to call the inter registrar transfer policy or IRTP. So why don't you give us an update on where that is?

ZAK MUSCOVITCH: Sure, Steve. Every time I give you an update, BC members—recently it's been more or less the same, that it is motoring along with no big changes to report as of now. But what I would like to do, Steve and BC members, sometime in the first quarter of the new year, is to bring a couple members from the working group that Arinola and I are

participating in, to have either a standalone session for BC members where they could learn about this and ask questions and raise their comments on it, or as part of the usual or extended BC meeting.

ALAC recently had a session on this and I think it was a value to the members there. And so we may want to do that at a good time well in advance of the working group reaching any conclusions and making its consensus calls. And that would also help Arinola and I gather the views and opinions of the BC members.

STEVE DELBIANCO: Zak, if something controversial that comes up, I know you want us to suck us all into that and help get past something that's a blocking point. But happy to do a general session, give you 15 minutes on the agenda at a future meeting where you can present the points and gather the final BC feedback. Thank you. Any questions for Zak and Arinola?

Okay, great, thank you very much. Next item up is that I represent the BC on a small team that was created, a small team with both constituent groups and councilors. And this is on a team that's going to look at a staff paper recommending how to change ICANN procedures about the way consensus is developed on a PDP.

We've had two meetings already. It's meant to be staff reacting to what happened on Rec 7 on the EPDP and thick WHOIS, this notion that a PDP launches with an intent to look at an issue, but somewhere along the way, their recommendations are going to affect previously approved policies. So there's this ripple effect that occurs. And what staff is trying to do is to anticipate that better by doing a thorough analysis in the

original charter of any potential effect on existing policies. And then when the thing gets to Council, to create mechanisms for people to raise concerns about impact, and when Council approves it and sends it to the Board, that the Board can push back with questions, saying, what about the impact of your recommendations on an existing contract enforcement or an existing policy?

So this is relatively light lift, but it does require an understanding of the acronym soup of ICANN. I'll represent us on there and I've continued to press them on trying to keep it to keep it at a level where we don't relitigate the EPDP battles over Rec 7, that it doesn't make any sense to relitigate because everyone on the call will disagree on what actually happened on that, because we have Stephanie Perrin from the NCSG, we have lots of contract party participation. Maxim is on there as well. And a number of you know how it is dealing with his perspectives.

So we had a call, like I said, just two days ago and we focused on guidelines and templates. Okay, with that, I think I will turn things over to Waudo as our CSG liaison. So Waudo, when you're finished with that, we'll check back to see whether Drew has joined the call. Go ahead, Wuado.

WAUDO SIGANGA: Thank you, Steve. I actually don't have a new report this time around because the CSG has been in kind of a recess for a period of time now, certainly since the last BC meeting. So there's nothing new that was discussed by the CSG. However, we expect to have a meeting before the

end of the year, most likely to discuss preparations for ICANN 73 topics and stakeholders that we'll be engaging with.

So since I'll be leaving my CSG role probably after this meeting, or certainly before the end of the year, I expect my successor, Tim Smith will be the one that will give a report of that next meeting of the CSG. So that's the current position, I don't really have a new report. What you see on the calendar is actually just legacy information of some of the things that were discussed in the past.

So I think with that, I would just like to thank everybody for your cooperation the time I've been your liaison with the CSG. Mason, thank you for having been a very good partner within the CSG. I think you brought a lot of new things there and added a lot of value. Steve, thank you for putting together the calendar every two weeks for me, making it easy for me to give the report. And everybody else, thank you for your support. And I'd like also to wish well my successor, Tim Smith, when he takes over at the end of the year. I'll still be within the BC so I hope to keep interacting with all of you and probably a little bit of rest and also work on some of the other policy issues as they come up. So thank you very much. Back to you, Steve.

STEVE DELBIANCO: Waudo, let me thank you on behalf of the entire BC, because your participation as our CSG liaison for the last year has been outstanding. I only wish you had been able to continue, because you did such a wonderful job. But I know that Tim Smith will be able to step into those shoes. And I'm glad to know that you'll still be part of the BC and be

active. Thanks again. Waudo. Very organized, and I think you set the bar very high. Mason, I would like to turn it back over to you and I will watch to see when Andrew Bennett joins the call. When that happens, we'll come back to the policy calendar. I'll have it ready.

MASON COLE: Thanks very much, Steven, I had my hand raised because I wanted also on behalf of the BC to thank Waudo for all his work as our CSG rep. He's done an outstanding job, and his presence on the ExCom is very much going to be missed. And I just want to say thank you again, Waudo, for all your great work and wish you all the best as you move forward. Glad you're going to be an active member of the BC, and we look forward to your continued contribution. So thank you for your great work and we look forward to welcoming Tim into the new role. So Waudo, congratulations on a great term and thank you again for all your good work.

All right, ladies and gentlemen, now let's move to Item three on the agenda, then we'll come back to Steve and Drew for an update on NI2 . So, Lawrence, if you're ready, please go ahead.

LAWRENCE OLAWALE-ROBERTS: Thank you, Chair. And please let me start with apologies for any background noise that might filter into our room. I'm currently in traffic. Because of this, I'm not in the Zoom room and will not be able to monitor the chats. Please, if there's anything for my attention, I would like for it to be called out so that I might be able to address that.

So to the report, the BC's finances remain stable, with our [inaudible] account balance estimated to close at over 120,000 USD after we have paid for the services of MemberClicks, which is an annual commitment in the region of $4,000, and also, our accountant for filing our IRS process.

I'm happy to announce that the IRS, we are tax compliant for this current year. And we will continue to ensure that fiduciarily, we also remain stable.

We have a few member applications that are being processed, which is also adding to the BC's financial stability and we would continue to encourage BC members who are yet to fulfill their dues for the current year to kindly ensure they help close this out swiftly. If there are any challenges, please reach out to myself, the invoice Secretariat or Brenda for any assistance that might be required.

The BC pledged support for the last AFICTA summit to the tune of $2,500, and we have started the process of ensuring that that is transmitted to AFICTA. Hoping that shortly after now, we'll be able to— members currently in the meeting, or maybe on the mailing list will be able to share their experience with regards to the outreach.

We also had about 40 participants at the BC'S sponsored IGF remote hub in Abuja through the course of the week, and the hub was active. We also were able to have some other BC members like Tola who came around to join the community members that used the hub. This year, there was a lot of activity and report to be shared soon after. The BC supported the IGF remote hub to the tune of $1,200.

Our Credentials Committee has remained busy reviewing applications. Thanks to everyone on credentials. And they are currently also going a step further right now to also add some improvements to the BC membership application form. I'm hoping that—not to put Zak on the spot, but if you would like to share one or two bit about what the committee is currently doing, I will be happy to yield the floor to you for about two minutes. Especially around why we are looking at making these little changes.

And currently, the additional budget requests process is open. We want to encourage members to please come up with suggestions and also improvements to previous submissions that we have made. We have until late in January to make our submission. And so I'll be reverting back to members for new ideas and for ways of improving our previous submissions that we intend to put back into the budget request basket. Zac, I don't know if you want to say one or two things about why we're looking at reviewing the application forms. Otherwise, I'll be yielding the floor back to Mason. I'm sorry for putting you on the spot on this.

ZAK MUSCOVITCH: Not at all, Lawrence. Very briefly, the way the Credentials Committee works is that when a new application is submitted online via the new BC website, an email is automatically sent by the system to the BC Credentials Committee members. And that email includes the answers that the applicant has provided through the online form.

And what we found recently is that the answers that we're getting weren't sufficient for us to approve some applications, particularly in

connection with what percentage of revenue does the applicant derive, if any, from ICANN contracted parties, or whether the member's representative holds an executive office in a current or prospective ICANN contracted party or whether the proposed member representative has a 30% or greater ownership stake in current or prospective ICANN contracted parties. Those seem to be the hurdles that some applicants have to get over in order to be approved by the Credentials Committee. So we've made some tentative improvements to the form that hopefully will be implemented shortly. And that will ultimately expedite the application review process. Thank you, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Thank you very much, Zac. I'll be yielding the floor back to Mason. I accept if there are questions for me. Mason, back to you.

MASON COLE: Thank you, Lawrence. Members, any questions or comments for Lawrence, please? All right. No hands. Lawrence. Thank you very much for that update in the report. Zac, thank you as well. Let's go back to Steve for an update on NIS2 with Drew. Steve.

STEVE DELBIANCO: Thanks, Mason. Drew Bennett has joined the call. So I'm going to display the policy calendar and then switch to a display of one of the letters that we're sending to the European Parliament. And I will turn it over to Drew.

DREW BENNETT: Thanks, Steve. Yes, our NIS2 advocacy update. Again, update on our kind of outreach to the European Parliament. Specifically, as discussed last time, we wanted to respond to the general approach, which is kind of another version of the draft legislation, this time published by the Council of the EU. We've got links to that here. The drafting team wrote a letter that was then socialized and received input from the entire BC the last week. And on Monday, Mason sent basically three identical versions of this letter you're seeing here. This one to the lead rapporteur of the Parliament. We also sent one to the head of the Digital Committee of the Commission, as well as to the French presidency and their representatives and staff of the Council of the EU.

The main objective was to introduce ourselves to the Council. As discussed last time, their version of the bill was kind of a disappointment in some ways compared to what came out of the parliament, but did add some positive foundations. And so the purpose of this letter was really to stay positive and to kind of set a baseline to convey the importance of having aspects of this legislation that are going to address the DNS and WHOIS specifically.

The thing we don't want to have happen is to lose those or to have really Article 23 of NIS2 be a bargaining chip. as they enter into negotiations towards a final piece of legislation. So we really kind of wanted to set ourselves up as a stakeholder, that is our main issue. And there are other stakeholder groups doing that as well. So we thought that was important.

At the same time, we are kind of framing up our key asks, you'll see here, accurate, verified, and complete registration data publicly available without undue delay, and legitimate access seekers. We will go on to do more specific engagement in the new year that is strategic, targeted, and perhaps more critical, and really kind of gets into our asks, for example, in the hope of expanding the definition of legitimate access seekers to ensure that includes private parties.

At any rate, all of these hit the right inboxes on Monday, we're pleased with the timing and I think the breadth of kind of recipients and the lawmakers who are going to be reading this, we hope. So we'll be following up in the new year with you all, including, again, [inaudible] companies who are Europe-based who could hopefully kind of do some more direct advocacy with national representatives.

STEVE DELBIANCO: Drew, thank you for all the work that you put into that, along with the rest of the drafters. Do you expect anything to happen over the next two weeks, or is it a holiday break time for the European Parliament Council?

DREW BENNETT: Yeah, I think we got it in under the wire with this initial kind of higher level introductory. And by the end of this week, there's not going to be much happening. And so yeah, we're gonna look to the New Year.

STEVE DELBIANCO: All right, again, thanks for the leadership on that, and to the rest of the drafting team. Are there any questions for Drew, Marie and other members of the drafting team? Mason's also put a lot of work into this. I don't see any hands. Drew, thanks again. Mason, back to you.

MASON COLE: Thank you, Steve and Drew. Thanks for the update. So I just want to applaud Drew as well. He's taken over leadership of the NIS2 directive work that the BC is doing, and he's done a fabulous job. So Drew, thanks very much. It's a very important piece of legislation coming out of the EU. Something that BC has advocated for more than a year now. And it's going to be important to clarify the tenets of GDPR and particularly how we access WHOIS records going forward. So great work, drew, thanks very much for all your work. And there's still yet more to do that I know we're going to tackle in the new year.

Any follow up questions for Drew or for Steve after we reviewed the policy calendar? Okay, I don't see any hands. Brenda, can we have the agenda back, please? There we go. Thank you very much. All right. We're on item number four now. On 4A, we said thank you very much to Waudo for his service. Waudo, again, thanks on behalf of the BC. And on 4B, I forwarded an email to the BC members list just prior to this call and I wanted to bring your attention to the issue of plenary topics for ICANN 73 because It's not too early to start thinking about ICANN 73, and ICANN Org has started planning for potential plenaries. There will be two at the ICANN 73 meeting in March.

There's going to be a production call later on today that I will be on to help the BC vote on the plenary sessions that they would like to see staged at ICANN 73. There are four potential topics. One is moving forward with a global public interest framework which was proposed by At-Large. The second option is reflections from the pandemic so far, the impacts of COVID-19 on the work of ICANN, which the GAC has proposed.

Third topic is evolving DNS abuse conversation, discussion about maliciously registered versus compromised domain names, the registries have proposed that topic. And then lastly, the fourth topic is a discussion on the 10-year anniversary of the new gTLD program, a conversation with the operators with those new gTLDs. And again, the registries have proposed that session.

So as I mentioned, there'll only be two that make it through to ICANN 73. But I would like your feedback, please, as soon as you can provide it, on which of these sessions that you'd like to see move forward for ICANN 73. So if you would send just an email back to me, letting me know what your thoughts are, I'd very much appreciate that, because I need to represent the BC's interests in the production call. I don't know that the vote is going to take place today, but it will shortly and we need to be able to register our preference.

STEVE DELBIANCO: Mason, I'd love to hear your views on these four. I shared on the executive committee level, I did think that number two, on impacts of COVID on the work of ICANN, is the least interesting. And number one

doesn't seem as sort of time critical as numbers three and four. So I would just throw out the three and four, which seem to be the best. But given that we have a few minutes, what do you think about that?

MASON COLE: I think those are good picks, Steve. I read the proposal from the ALAC. I like the idea on number one about moving forward with the global public interest because we often talk about the public interest in our comments and in our statements that we put forward to ICANN. So I'm not disagreeing with you. I think that depending on how that one is framed, that also could be one that's interesting.

Number three, the BC has been in, as you know, in a leadership position talking about DNS abuse for a long time. We did not propose anything in terms of plenaries. Even though I sent that note out to the BC, we didn't seem to have any ideas about plenaries. But we're always interested in talking about DNS abuse. And so number three looks interesting to me too.

STEVE DELBIANCO: I think the objective is for the registries to want to draw a distinction between domains that are maliciously registered from the beginning versus regular domains that get compromised. Why are they seeking to make this distinction right now?

MASON COLE: Well, I think the contracted parties are trying very hard to stick to an abuse definition that is advantageous to them. And I wouldn't be

surprised to see the registries talking about the difference between maliciously registered and compromised domains as a way to draw a distinction between areas where they think they can do something about DNS abuse and where they think that their role may be more passive or less responsible for particular areas of DNS abuse.

MARK DATYSGELD: I've been having this conversation with them. The problem seems to be they want to create a very strong distinction between when a domain is created specifically for the purpose of generating abuse. And in their opinion, this is where they can intervene, where it's easy for them to intervene. And when there are problems within a domain name that's active—and I'll be very specific about that because I brought up an issue last week with them about this.

For example, when a subdomain is affected. So when test.icann.org is affected, to them, when a subdomain is affected, this is much more a problem of the website operator or the host than it is their problem, in spite of the fact that this may be accounting for 99% of the traffic of the website, it may be used maliciously with an operational scale. In their opinion, this does not concern them. This is abuse within the domain name.

And I think that they were very emphatic when telling me this, and I believe that this will be a very strong part of their narrative moving forward, what is their responsibility and what needs to be offloaded to other parties. If what I said makes sense, you know ... Otherwise, ask me questions about it.

MASON COLE: Thanks for that update, Mark. That's very helpful. Yeah, I think you're right that there is going to be a distinction drawn between where they feel like they can act and where they feel like they shouldn't have to act on DNS abuse. So we need to carry our message forward that the contracting parties do have a responsibility to address DNS abuse. And if this session makes it through as one of the plenaries, then we have preparation work to do in order to advance our message during that session.

All right, any other comments on on plenary sessions for ICANN 73? Any other input on the policy counter that Steve put forward? Okay, all right, any other issues to raise on item number four for the BC?

All right, we have a fairly quiet meeting today. If there is no other business, then I will yield 10 minutes back to your day. A couple of housekeeping items first. Our next meeting is Thursday, January 13th. So I look forward to seeing you there.

Again, I'm looking for your input on the plenary session. So if you have thoughts on that, please email me directly. And ExCom, if there's nothing else to cover today, then I think we can adjourn a bit early.

All right, ladies and gentlemen, thank you very much for your attendance today. Thanks to Brenda for the support. And on behalf of the BC, I wish you all happy holidays and we look forward to talking to you in the new year. And ladies and gentlemen, the BC is adjourned. Thank you all very much.

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