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BRENDA BREWER: Good day, everyone. Welcome to the BC Membership call on 18 April 2024 at 15:00 UTC. Today's call is being recorded and it is governed by the ICANN Expected Standards of Behavior. Please state your name before speaking and have your phones and microphones on mute when not speaking. Apologies have been received from Chris Buckridge. With that, I'll turn the meeting over to BC chair, Mason Cole. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, and good evening, everybody. Mason Cole here, chair of the BC. You can hear my dog barking in the background. I apologize for that.

We've got a couple of preliminary absences here. Steve is on a flight that is landing. He'll join us in just a moment. We're looking for Tim on the Finance Administration update, but I'm going to change the agenda around a bit. First, we're going to go to Margie and then we'll cover the policy calendar. Then we'll go to item number three, then AOB. But first, before we do that, we need to welcome a new member, and that is Tess Diaz from it.com. Tess, welcome to the BC. Would you like to say hello?

TESS DIAZ: Thank you so very much. You're such a warm welcoming group and I'm excited to be a part of it.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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MASON COLE: Good. It's good to have you, Tess. Thanks. Welcome to the BC. All right, let's please go to Margie for a discussion on the comment that we're going to provide on .xxx. Brenda, if you could put the slides up that Margie provided, that'd be great. Margie, the floor is yours.

MARGIE MILAM: Sure. Actually, Mason, it looks like Tim's on the call. Do you want to jump to Finance first, so that if Steve joins, he can hear that the discussion on .xxx?

MASON COLE: Sure. Yeah. Very fluid agenda today. Tim, are you with us? Tim Smith?

TIM SMITH: Sorry, just wiping some muffin off my chin. Yes.

MASON COLE: Okay. We're having to rearrange the agenda a bit, Tim. So do you mind if we go to you first for item number three before we go to the policy calendar? Because Steve is a bit delayed for the call today.

TIM SMITH: Okay. Sure. I really don't have all that much to report to you today. I wish I had more, actually. And you already stole my first item, which is welcoming Tess. So again, welcome, Tess. Glad you're with us.

As far as Finance goes, it's kind of a work in progress. And I'm in the process of bringing all of our accounts up to date. And once I do that, I will be commencing with the preparation of our FY25, believe it or not, draft budget, which, of course, I'll share with the ExCom, then will be shared with the Membership in due course. So that's really the Finance update that we have at the moment. Nothing more on that.

I guess a couple of activities that are currently underway, we just in the past few days finalized and got approval for CROP funding for ICANN80. That will be outreach endeavors by Tola, Segunfunmi, and Segun. But I think they're all on the call. So thank you for your commitments to assist the Business Constituency in outreach, and glad that we were able to get approval from CROP funding in order to allow you all to attend. Guess what, now that we have approval, now we got to start planning what it's all going to look like. So we're going to be having a session hopefully early to mid next week in which the participants will start to put together a plan for that outreach. So that's good news.

I guess one other thing that's coming up for those other than me who are interested in Operating Plans and Budget, ICANN is holding a webinar. That'll be next week. There are two sessions, one on April 25 and one on April 26. I've already registered for the 25<sup>th</sup> to see what the plan looks like. So this is preview of the proposed for adoption plans by the Board. So you're welcome to join if you're interested.

I guess in other things, just some other notices, the ICANN81 Fellowship application round actually closes tomorrow. I know at least one participant who has stepped forward in order to apply for that. So that's

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good news that we'll have representatives from the BC on that. And that will be for 81, which is the meeting in Istanbul which is November.

Then I guess one other thing, if you know of any university students aged 18 to 30, living and studying in the Asia Pacific region, there is an opportunity for NextGen at ICANN 81 as well, and the deadline for that is in May 17.

So that's really sort of upcoming things. I guess the one thing I would say to everyone on the call is that the nomination period for the coming year, for next year, opens May 2, which is exactly two weeks from today. So if you are interested or if you know of people who are interested in leadership roles within the Business Constituency, you will have an opportunity to have nominations underway starting May 2 I think is what it is.

MASON COLE: Tim, is that just for GNSO councilors or is that for the entire slate?

TIM SMITH: I think that's for the entire slate.

BRENDA BREWER: Correct.

MASON COLE: Thanks, Brenda.

TIM SMITH: So that slate being chair, vice chair of Policy, vice chair of Finance and Operations, I think also large and small business NomComs and CSG representative. And there will be one councilor because Lawrence will be in his role for another year, and Mark will be vacating his role. The GNSO councilors will take their seats after the AGM in November in Turkey. So yeah, May 2<sup>nd</sup>, everyone. Put it on your calendar or be thinking about leadership for the coming year now.

Sorry, I couldn't fill more time for you. I see a hand from Lawrence and I see a hand from Jimson. Lawrence, you first. Lawrence, we're not hearing you. Hi, Lawrence, we see you. You're sort of breaking up, Lawrence. Lawrence, we're not hearing you. Now you're on mute.

MASON COLE: We'll just go to Jimson and back to Lawrence.

TIM SMITH: Okay. All right. Sure. Jimson, over to you.

JIMSON OLUFUYE: Okay. Thank you very much. Thank you, team, for the breakdown of the information. Now I have one question and maybe comments. The first one is with regards to the nomination period, it's May 2<sup>nd</sup>. Normally, it has been around maybe September. We have election of the BC officers for September so that they can resume in January. Usually around May, this time, the GNSO, so that they can resume later after the AGM, it will

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be in October. Is there any reason why they are being pulled together? That's the first question.

Then secondly, I don't know if the Finance Committee is still functional. Is the Finance Committee still functional? Because I didn't hear you mention them as part of people that could review the budget. You say you are preparing. So is the Finance Committee still functional? Because I'm not sure it's been functional for quite a while. But you can correct me.

Then thirdly, I want to find out about our IRS filing. I don't know since the breakdown for FY23, our expenditure is still pending. So I don't know if we have the necessary input to be able to get our IRS filing going because I think it's already due, so to speak. Thank you.

TIM SMITH:

Thanks, Jimson, for that. As far as the nomination period goes, I'm not aware—and maybe, Brenda, comment—on why everything was put together. So I don't really have anything for you on that, Jimson, although I can take that away and find out more about it. Brenda, do you have any comment on that?

BRENDA BREWER:

Yes, I do. Thank you. Last year, we also had elections in May due to the fact that the travel now requires that we submit funded travelers 120 days before the meeting, and it used to be 90 days. So that's one reason we moved it up. We also have in June ICANN80. And I didn't want the elections in conflict with that meeting. So we just made the timeline for

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May and we should be complete by the end of May. So we'll be ready to submit names for the ICANN81 meeting.

JIMSON OLUFUYE:

Okay. Sorry, Brenda. But for the BC officers, they won't take their seat until January. So I don't think it is required, the need to be submitted by ICANN81. They won't take their seat until January 2025. So I'm just thinking maybe it might be too early. Anyway, you can work it out later. I'm just observing anyway. To understand why bring it up. That of the GNSO is very clear. Very Okay. But that of the BC new officers will not take their seat until January 2025. So it's quite a while. Because if we let them now, will they be waiting until January to take their seat?

BRENDA BREWER:

That is correct, yes.

TIM SMITH:

So, Jimson, maybe in the interest of time here, maybe Brenda and I can have a conversation about that offline and see if there's another way of working that. Your point is well taken that it is early. You spent half a year not being in your seat, anticipating your new leadership role. But we'll have a conversation about that. I see Steve's note. We could do officers elections in September. But we need to consider that 120 days. So we'll have a conversation about that.

Your next item was is Finance Committee is still active? It is. There is still a Finance Committee, it has not been active. And that's probably more because of me being a bit behind in the work that I need to do in order

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to bring the Finance Committee together. So I will be convening the Finance Committee once I get all of my paperwork in order and once I get all the accounts in order.

That leads to your third point about the IRS filing, which is the thing that we are working on right at the moment and I'm having discussions with the account. So, that is something that I hope to get wrapped up very soon. One of the things that I found is that it takes some work in order to do this. It takes some work to get oriented to the new position. And I have other work to do as well. So I am working on it. Thank you. Any other questions? Lawrence, I will turn back to you if you are able to talk. Okay.

MASON COLE: Are you good now, Tim?

TIM SMITH: Yes, I'm good. I don't see Lawrence anymore. So maybe we'll continue on with the agenda. When Lawrence returns, we'll hear from him. Thank you.

MASON COLE: Okay. Thanks, Tim. I appreciate the update. Any other questions or updates for Tim, please? Okay, very good. We're going to move to item two on the agenda. We now have Steve DelBianco on the call, who is fresh off the airplane. Steve, just a reminder that Margie has some slides for the discussion on .xxx. You can either go to her now or in the



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course of the policy calendar, up to you, but the floor is now yours. Go ahead.

STEVE DELBIANCO:

Great. I'll turn to that in just a moment. Margie, just got to be ready. Brenda, make Margie a co-host for purposes of being able to share her slides, please.

Since our last meeting, we have filed two comments on April the 10<sup>th</sup>. We commented on the String Similarity Guidelines. I want to thank Hafiz for originally drafting, and then I added an entire section on the singular versus plural in the Latin script, so the European languages. I appreciate the support of BC members to do that. So our comment was strongly worded and we harkened back to what we said a decade ago along with the GAC that it was just ridiculous that a TLD for book could face a new TLD application suddenly for .books, .pet, .pets, etc. I would have thought that ICANN understood that that was an embarrassing way to do new TLDs. And yet, the SubPro work did not take a definitive position. Staff report that came back said that it's only a problem with European languages in the Latin script, as if that should diminish the need for us to address it. But I am hearing that staff and Board are coming around on this one and we might have a pleasant surprise when it comes to some guidelines against the filing of singular and plural versions of the same string Latin script with a generic. So that's what I'm hearing about that. Anyone else have any updates? Please let me know.

I wanted to mention that on April 15, we commented on the proposed Bylaws update that would limit the access to accountability

mechanisms. Margie took the lead with Lawrence's help. And we objected strenuously to the proposal because it would weaken the community's ability to exercise accountability mechanisms that question the Board's action or inaction. Well, thanks again for that.

Public comments that are open now, there's only a few. The first is on the Registry Service Provider Handbook with the new gTLD program, and those comments post next week. You already have a draft. It's attached here. Segunfunmi put together a basic initial draft that I know that John Berard is working on some comments to that. So John, Crystal, Alan, Vivek, whenever you make edits to that Google Doc, I will recirculate it to BC so that they have plenty of time to review. So please make your changes. Segunfunmi or I will admit you as an editor, if you want to do it in a Google Doc. Do we have any questions about that? Okay. Thank you.

The next up is the proposed renewal of .xxx. Those comments close at the end of April. And under this proposal, ICANN and the .xxx operator have agreed already to shift away from a sponsored top-level domain or sponsored TLD to the base agreement for the registries. This is a significant deflection from the commitments that they made. And in our comments on .museum, .pro, and .travel, the BC was strongly concerned about maintaining the promises that were made to the registrant and user community when the sponsored TLDs came out. Those can be added to the new base agreement as part of Spec 1. So, Margie, you had some slides you wanted to present on .xxx. I'll stop now and let you take over the sharing.

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MARGIE MILAM:

I think Brenda has the slides. Hi, this is Margie. So, Brenda, if you don't mind pulling those up. Okay. In getting ready for this comment, I asked around to see if anyone had been drafting documents or had some information that they could share. And it looks like ALAC had made a lot of progress in pulling together their comments. So I wanted to share what they've said because I think it resonates with some of themes from the BC. We can certainly adopt whichever ones we think make sense or have our own. I have some additional thoughts in addition to what's in the slides. So if you could go to the next slide, that would kind of help frame the discussion.

One of the recommendations obviously is that they're asking for the contracts to include the new language for the RAA and the base RA amendment. So I think that's a good recommendation to support and I don't see any controversy in that. Next slide, please.

When we took a look at this, what happened was because the sponsored registry came into play many years ago, there were a lot of commitments that the registry made to ICANN. This is actually in their agreement now in this verification of registration data. And it talks about, which I think is fascinating as I looked at this, the legal natural person distinction, verifying name, address, e-mail, telephone, that sort of thing. And that's in their agreement today. What I think is troubling about the proposal that's been posed for public comment is that they're moving away from these really strong requirements, and I don't believe that the justification has been made in order to do that. I'm actually concerned about the process that ICANN has adopted to do this. So this is one where I think we should highlight that this is going the wrong way, given that NIS2 has verification requirements and the registry had

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already committed to verification requirements, and now they're taking those away. Next slide, please.

Another one is registrant eligibility. They had restricted who could register domain names in that registry and it was limited—this is actually from the existing agreement—and now they're suggesting to open it up for anything. Again, these are commitments that were made when the registry was awarded to ICM. It troubles me that they're removing the restrictions on eligibility, especially when you think about .xxx and its connotation with the adult industry and porn and all of that, as a brand holder, it's going to be a potential for new infringement and a lot more abuse. So again, this is one of those things where I think the BC should think about objecting to the removal of these requirements. Next slide, please.

Same thing. There was a requirement to label the domain names within the .xxx zone file. Again, that seems to be a commitment that helps with the safety, and I don't see the reason why this should be removed in this manner. Next slide, please.

Then there's also a recommendation to make anti-abuse metrics. One of the things that I think would be really helpful is to look around to what other registries are doing, in particular, PIR has metrics that they publish related to abuse, and maybe that can be a recommendation for the BC to go ahead and suggest that those be part of the next contract. And if you go to the next slide, you can see what the ALAC was referring to. They've actually pointed to some of the best practices that other registries are doing, including PIR, and it seems like it makes a lot of

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sense to have that kind of process built into this agreement. Next slide, please.

In particular, this is from PIR. But if you could see where they do things like report on child sexual abuse material and given that the scope of the .xxx registry is a place where this could be problematic, this is the kind of best practices that I think that the BC should consider recommending in its comment period. Next slide, please.

As I talked to folks at ALAC, what they're pointing out here is that the normal process for reducing commitments that a registry is signed up for is not in a renewal process, but it's in an RSEP, which is part of consensus policy. It's a process that is pretty standardized and has a specific standard on what a registry has to show before they remove some of the requirements that are in their Registry Agreement, and that's what's posted here. They have to basically demonstrate that the modification is consistent with the application submitted by the registry originally. The process question that I think the BC should raise is is it appropriate for renewals to be a place where obligations are removed? Or should we insist that the consensus policy that was adopted that talks about how a Registry Agreement can be changed should be followed? That's, I think, an accountability and transparency issue that would be consistent with prior BC comments. I think that's the last slide from ALAC.

BRENDA BREWER:

Correct. It is the last slide.

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MARGIE MILAM: Okay. Let me see. As I looked at this, there were other things that I think they echoed a lot of themes that I identified myself as I was going through this. The last one I think is really the precedent set by going around the RSEP process and whether or not the BC believes that this is something that should follow the process that the communities agreed on as opposed to doing it through a renewal which doesn't have the same kind of standard and same kind of scrutiny. All right. So I just wanted to get some discussion going on whether those thoughts resonate and then we can write that up and share it with the BC.

STEVE DELBIANCO: Outstanding, Margie. Thanks very much. We'll have to also be consistent that we welcomed contract renegotiations as a way to impose new obligations on registrars for DNS abuse as opposed to consensus policy development. So there are times when we do want to see the contract incorporate new protective measures. I think we can distinguish here between renewals that are purposely being used to shed the obligations, to shed commitments. It strikes me as the worst kind of bilateral processes between ICANN Org and the registry operator. Steve Crocker, your hand's up.

STEVE CROCKER: Thank you. Just a quick question. I haven't been following the .xxx situation very closely. To what extent do we understand that their motivation is to reduce the cost to themselves or to expand their base of registrations, or perhaps both? Any comments on that?

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MARGIE MILAM: Sure, if I can respond. I believe that that is what's going on is that they're trying to reduce the cost and increase the registration base. And in particular, one of the commitments that they made in their application and in their agreement was they were going to set \$10 aside per registration to be used to advance public interest types things like child protection concerns, child trafficking, that sort of thing. And so it strikes me that they made this proposal and got the right to manage this .xxx registry based on these commitments that I think would actually help the public interest. And there's really no indication that that's been fulfilled. One of the questions I do have is have they been verifying the way they were supposed to under the Registry Agreement? What has ICANN Compliance done with respect to ensuring that those commitments have been satisfied? The Compliance angle might be something that we raised in the comment as well.

STEVE CROCKER: Thank you. In opening up for additional registrations that are not within the original restrictions, what kind of applications are they expecting? And what would that do to the effectiveness of their brand, to the extent that their brand has any effectiveness?

MARGIE MILAM: I see those are good questions. I have no idea.

STEVE CROCKER: Okay.

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STEVE DELBIANCO: Zak?

ZAK MUSCOVITCH: Thank you, Steve. Margie, like Steve, I have not been following this, though I appreciate your attention to it. I have just a couple of questions just so I can get a better handle on the landscape here. First, what is the practical significance of them trying to remove the sponsored registry designation? Is there an argument that if they don't like being a sponsored registry that they don't have to run it, and then it could be put into the next random gTLDs for somebody who does?

Then the second question I have is, are they are they proposing that they don't have to review domain name applications for anything at this point in time? Because I thought that they did originally. They had a registry rapid evaluation. So, forgive me if I'm speaking from ignorance. These are just general questions so I could get a better handle on it at your expense. Thank you.

MARGIE MILAM: Thank you. I'm not sure I know the answer to all those questions. But what they've proposed is tracking what they've done with I think other TLDs, .horn and .adult maybe. I don't believe that those are the same restrictions that were in the original .xxx registry. And perhaps there's others on the call that may have more insight on this.

STEVE DELBIANCO: Zak and Steve, I welcome you to take a few minutes, even just to scan the link that I have in there to the comment period. There will be a



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redline right there showing their existing sTLD registry commitments and the new ones. There is a place where any old obligations can be moved to Spec 1. So they can do it. And we can push on this as well. But I would welcome any BC member that wants to take a dive into it and help Margie and I. Rachael Shitanda has already volunteered to help. Thank you, Rachel. Anyone else that would want to chip in over the next two weeks?

ZAK MUSCOVITCH: I'm happy to take a look and participate. Thank you.

STEVE DELBIANCO: Thank you, Zak. Much appreciated. Alan Woods, go ahead, please.

ALAN WOODS: Thank you very much, Steve, and thank you, Margie, for this as well. On the point of the reporting and the metrics, I'll admit some pride because it's a nice screenshot of the report. I'd privy on that. So I'm glad to see that. But what I would suggest from our point of view is the way that the ALAC has placed that is that it says best practices, and I just want us to be very clear that when we're talking about the contracts—and again, this is coming from my own time in the contracted parties for many years—is we should not be expecting best practices to the contracts. The contracts are, by their very nature, establishing the minimum expectations. That doesn't mean that that can't be good expectations. But I just think the language is important there if we're trying to get some traction on that. I think just be mindful of the fact

that we shouldn't be calling them best practices, we should be calling them good practices or expected practices, but definitely not best. But that being said, I'm also happy to see that the work done has been considered that way.

With regards to the registration data point, everybody knows my viewpoints on the registration data point. But I am not going to weigh in on it, because again, I think I'm just far too still close to that other constituency in my own mind. But I would ask us to bear in mind in that one that ICANN, by their very own admission, are not a controller. And therefore, that would be a very difficult thing in any negotiation where you are saying that a controller is telling them to do something or, A, a party is claiming not to be controller is telling them not to do something in a specific way or they have an opportunity to reduce and to drop something which is just not in their risk profile. Again, it's about framing, it's about phrasing, and it's about expectations and maintaining the privity in the contract and making sure that everything is, in my mind, that there are proper purposes in place for that. And again, given the history of the last few years, I can see where the arguments will be had against it. So I would suggest that the BC puts itself in a thoughtful position there, still getting across the viewpoints that have been well held. But again, careful on the language is what I would suggest.

STEVE DELBIANCO:

Alan, from the standpoint of .xxx serving European registrants and users, and they do, some of the NIS2 requirements will come on board about the same time that new contracts would take effect. Margie

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brought that up early in the slides with the BC but also consistent with rhetoric we've used before speak of the obligations they might have, for instance, on validation of registrants, etc. So we'll try to bring some of those new requirements in while they're not ICANN traction requirements, they are a single group of European governments that are likely to transpose this to in a way that creates new obligations. So it's certainly been mentioned that. Alan would you like to help out a little bit on the drafting? You're welcome—

ALAN WOODS:

I'm happy to review it, but again, I'm just like everybody else. I'm awfully swamped at the moment but I'm happy to review it. I'll go through it and provide my input. I'm absolutely happy to do that. But as an actual penholder, I would be shirking my responsibilities and say you could rely on me on that in the next few weeks I'm afraid.

STEVE DELBIANCO:

Thanks, Alan. Margie, any final words? I really appreciate how you teed this up.

MARGIE MILAM:

No, no. I appreciate all the help. So I'll try to circulate something tomorrow so that we can start putting pen to paper and fleshing out these issues.

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STEVE DELBIANCO:

Margie, at the very minimum, take a look at what we did on .museum, .pro, and .travel because it gives a lot of the background on the BC's principle objections to using contract renewal to shed sTLD obligations. Okay? Thank you.

Next item up is EPDP on IDNs, Internationalized Domain Names, which is domain names that are not the Latin script, and Phase 2 of the Initial Report is out and the comments post 21<sup>st</sup> of May. I'm always grateful for Ching Chiao for leading the way on IDNs. Ching has already volunteered to be the lead drafter on Phase 2 report. Are there any other BC members that would be willing to help? It's IDNs so it's important to understand the implications of what that means. Tess, thank you for also volunteering on. All right, Ching, do you believe this is a volume of work that necessitates a couple of extra volunteers? Do you feel like you have it well in hand? I don't know Ching is on the line. I just got a hold of maybe an e-mail this morning. Okay. Thank you.

All right, so moving up. The only other item that we covered during open public comments is then ongoing evergreen concern about NIS2 transposition. We usually count on Marie and Sven to give us any updates on where that is headed. So, Marie and Sven, anything you'd like to add with your colleagues?

SVEN ECHTERNACH:

So there's from the German government, the priorities are not really on NIS2 at the moment, it's more on NETmundial. It's on the global digital compact. So I think we still have to wait a couple of weeks.

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STEVE DELBIANCO: Thank you, Sven. Speaking of NETmundial+10, Mark Datysgeld and I think several others, Nivaldo, are registered to participate—some in person, some virtually—the end of April for NETmundial+10. Channel two is where we pick up on what’s going on in Council. The next Council meeting is this afternoon in several hours. What I have put in here for items on the agenda that I think would be of interest to you, but I rely upon our councilors to lead us through what they’d like to do. So Mark and Lawrence, what would you like to focus on? And I’ll just scroll the screen for you.

LAWRENCE OLAWALE-ROBERTS: Thank you, Steve. It’s quite a packed agenda for today. But there happens to be a few changes. The small team [against] report is still going to be considered for the vote. But there appears to be a request for deferral on the launching critiques, such that the Council be better informed on why the advice we got went in the direction within certain parties, especially for the registries that have the same concern that BC has, in the sense that the similarity in scripts can lead to some form of abuse. And even where there is some discussion on it later today, it won’t be to put this to vote. Moving ahead, the IPC has also requested for forget the deferral on our voting with regards to the expired policy. Can you all hear me?

UNIDENTIFIED MALE: We hear your, Lawrence.

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LAWRENCE OLAWALE-ROBERTS: All right. Thank you. So the IPC requested for the expired policy to be stepped down. It happens to be some concern from within the IPC which have not been revealed to Council yet, so that they would like to explore this concern further before the Council takes a vote on this topic. So it might be of interest to BC to find out what the concerns of the IPC are because it might be of interest to the BC. But other items to be moved ahead. I know the locking or the diacritics issue is something of interest to Mark. I'm not sure if he's there, but he might want to speak further to the process because he's a lead on this within the Council.

STEVE DELBIANCO: Lawrence, I corresponded with Mark and the rest of you yesterday or the day before on some policy-based recommendations on item five and six because I do believe affirmative votes are appropriate for item six. But it would be wonderful for you and Mark to take note of the fact that the BC and our response to the Board questions two months ago was very concerned that more work should be done on defining the way in which Registry Voluntary Commitments can be incorporated and enforced. So the work isn't done yet on the SubPro supplemental recommendations really don't resolve the issue.

All right. Any questions for our councilors prior to today's Council meeting? Okay. I do see no hands and Mark is not on the call. I'll jump up to other Council activities. And for this, Zak and Arinola, thank you for leading the way on the BC feedback to the Transfer Policy Working Group, which got in on time on April the 5<sup>th</sup>. And for that, too, I want to thank Sven, Margie, and Chris Wilson for responding to your request for

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some more detail on what to put in. Do you want to update us on current status of the Transfer Policy Working Group?

ZAK MUSCOVITCH:

Sure. Thank you, Steve. Thanks to Margie, Chris, and you, Steve, and Sven, for helping us that we did get it on time. They didn't give us much time to do it but we managed to do it all the same. What we submitted was enough to convince the IPC to follow suit and they supported many of our recommendations. The debate continues within the working group based upon a diverse set of feedback from various stakeholders. The next meeting is going to be to try to get consensus on a single issue that's before the working group. That's a proposal to have a 30-day lock after one registrar hop. So you've changed from registrar A to B, no problem. But you can't move from B to C for 30 days. That's the current proposal. But there was a supplementary proposal that would enable a registrant to request from its registrar and the registrar to exercise its discretion under certain defined circumstances to lift that lock. And so that's what the working group is focused on and it's as the world turns that working group, because the last time I report the BC, it looked like that recommendation was running again into some stiff opposition. But now it looks like the working group has turned slightly and is now looking for a way of going forward with it although in a revised form. So next time Arinola reports back to BC, we'll probably have some more news on that specific proposal. Thank you.

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STEVE DELBIANCO:

Thank you, Zak. It's good when hard work pays off. Thank you for your leadership on that. Nenad is not on the call to represent what's happening in the Continuous Improvement Program. Steve Crocker and I represent you at the RDRS, the Registrant Data Request System. I wanted to highlight for you that I have a link there to the March 2024 report on statistics. And after that last call that we had on RDRS, Steve and I circulated the latest set of impressions that are given by both the requesters and the registrars. There's a link there and document attached. This is a great opportunity for BC members that are active users as requesters to let us know about additional suggestions to add. You can also modify some of the suggestions that were put in by the U.S. government's FBI. Those suggestions are in there now. From that document, if you have suggestions, Steve Crocker and I have the ability to put them in. And then we have a call next Monday where we can advocate for those positions.

I just wanted to note that on 30<sup>th</sup> of April, ICANN will do a webinar, which is, in some respects, training for new requesters, which I have a hard time believing this is a good time to do that, but also a discussion of lessons learned since they started the system up in November. Steve Crocker, I'll turn to you if you'd like to add any further.

STEVE CROCKER:

Excellent report, Steve. The April 30<sup>th</sup> webinar has been brought to my attention. As you said, it's really an outreach to requesters. Apparently, it's going to include some of the feedback that they've got, but we don't know exactly how much. The session that we had in San Juan co-sponsored by the Business Constituency and the IPC was really quite



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extraordinary, and all the feedback I've gotten has been that it's made a big difference. So that opens the question, should there be something following that? I haven't given it much thought. I'm not sure that we need to do it the next ICANN meeting. That's kind of maybe too soon, but any thoughts along that line, I at least would be very interested to hear.

STEVE DELBIANCO:

As would I. I would ask some of our IPC colleagues as well. So let's do an outreach to small team members, the Standing Committee members from the IPC to see if they would assist as well. John McElwaine, for example. So on Mondays call, let's ping John McElwaine. Lawrence, your hand is up.

STEVE CROCKER:

I've been invited to attend the International Trademark Association's meeting next month and participate in some of their Internet governance talks. So maybe something will come up there as well.

STEVE DELBIANCO:

I would think we want to try to gather people that we end up doing on Sunday morning, Monday morning in Kigali, we can find a place on the calendar, and that's where Brenda has to help us out. Otherwise, we may end up doing it as a piece of the BC meeting in Kigali. There's other ways to do this. So we can squeeze in a topic, we may not be able to get a calendar item yet. Lawrence?

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LAWRENCE OLAWALE-ROBERTS: I just wanted to add, at the last meeting where the Council had [inaudible] with Chris Disspain with regards to this issue. There was a lot of reference to the session that we had at CSG. We have to continuously remind folks in the room that this was not planned to be a CCW, an engagement that involves other members of the community. So basically, the CSG getting feedback. So based on that, I feel that there is a lot of interest from the wider community, and if we're to have a follow-up at Kigali with maybe from all of us participation, I'm sure it's going to be something that the community will be looking forward to.

STEVE DELBIANCO: Thank you, Lawrence. I appreciate that. The next item up is SubPro or gTLD expansion. Imran is not on the call. Ching is here as our alternate. Ching, do you have anything you want to report on SubPro IRT? All right, I'm not hearing.

I'll turn now to the next channel, which is the CSG. Now, Marie is our CSG liaison. Marie is not with us on a call today. So, Mason, unless you have something that Marie gave you to update, we won't have a report on CSG. I'll turn it back over to you.

MASON COLE: Thank you, Steve. No update on CSG. Okay, very good. Thank you, Steve, for making efficient use of time on that on the policy calendar. We have eight minutes to go in the call. Brenda, if you could put the agenda back up.

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All right. I believe we proceed through items two and three. Let's go to four. Is there any other business for the BC today? Okay. Brenda, our next call is May 2<sup>nd</sup>, correct? Oh, Margie, I'm sorry. Please go ahead, Margie.

MARGIE MILAM:

Hi. I forgot to ask if anyone's aware of what's going on with the privacy/proxy accreditation. I recall seeing a document that was shared in March. I was troubled by the fact that ICANN was recommending that there be no accreditation program for privacy/proxy providers, which is contrary to the recommendation that came out of the consensus policy development process. So I'm wondering if there's interest from the BC to provide comment if there's a comment period open, or if there isn't a comment period open, to provide some feedback to staff.

MASON COLE:

Anybody have a report or follow-up for Margie? Margie, I don't think we have anything on that.

STEVE CROCKER:

I have a question. I looked at slides that were being circulated, three slides I think that were being circulated. And the statement about privacy service was that they were effectively the registrant. So there was nothing to say about getting behind that, they don't appear there in a sense. That made me uncomfortable because it meant that you could have a pro forma accuracy requirement that you would really know your customer, so to speak. But the customer would then be somebody

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who said, “Well, I’m a privacy service, a proxy service, and I’m not going to tell you who I’m acting for.” And so you’d have to deal with them as if they are the actual registrant. But I think in practice, that wouldn’t work out very well. I don’t have any hard data. Margie, I wouldn’t expect you do and probably several other people here do. But it’s a bit of a show game. And if it only results in ICANN saying, “Not our problem,” then the question is whose problem is it?

MARGIE MILAM:

Yeah, Steve, if I could reply. It is a problem. And we deal with proxy issues all the time. It’s the proxy that’s deemed the registrant of the domain name. And then the proxy service is a different thing where alternate contact information is provided in the WHOIS record but not the registrant information, the actual identity of the registrant. NIS2, in particular, addresses privacy and proxy services and imposes the same requirements that relate to disclosure and accuracy. I think it’s a mistake for ICANN to assume that there’s no need to implement anything in that regard that is related to privacy/proxy accreditation, because in fact the NIS2 is imposing requirements. And it would be important to ensure that the policy is also aligned with NIS2. So I think it’s something that BC should look at. I haven’t done much. As you can tell, I’m sort of looking at a few public documents and I haven’t formulated thoughts yet on what the response would be. But I just wanted to see if there was enough interest to start putting together some sort of either comment or letter, depending upon what the state of that document is that ICANN shared. What I can do is after this call, I can send a link to the BC so you all can see what ICANN shared during the last meeting.

STEVE CROCKER: I think this is where the major emphasis has got to be going forward. Otherwise, all attempts to get any kind of accuracy and accountability are going to get pushed into a corner and all the leverage will be lost.

MARGIE MILAM: Yeah, I agree.

MASON COLE: All right, Margie, anything else on that topic? Okay. All right. Thanks very much. Any other business for the BC before we adjourn?

All right. Next BC Membership call is May 2<sup>nd</sup> in our normal time. Brenda, any update from you that I may have missed?

BRENDA BREWER: I think we're good, Mason. Thank you.

MASON COLE: Very good. All right, with two minutes to go, thanks, everybody. And thank you, Brenda for the support. We'll see you in two weeks. BC is adjourned.

UNIDENTIFIED MALE: Thanks, everybody.

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[END OF TRANSCRIPTION]