
BRENDA BREWER: Good day, everyone. Welcome to the BC Membership call on 18 January 2024 at 16:00 UTC.

Today's call is being recorded and 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. Attendance is taken from Zoom participation. I've received apologies from Ching Chiao, Zak Muscovitch, and Chris Lewis-Evans. 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. Welcome to our call on 18 January. A belated happy new year to all of you again, especially for those who are new on the call. We welcomed Steve Crocker to the BC last week, and we now have Alan Woods on the phone, who is a member of the CleanDNS team. Alan, would you like to say hello to the BC?

ALAN WOODS: Absolutely. Thank you very much. Just really excited to start the new journey with the BC folks. Hopefully be able to add some of my expertise and viewpoints to the success of the team. I'm happy to answer any questions and look forward to working with you all.

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MASON COLE:

Thanks, Alan. It's good to have you part of the BC. Welcome again.

All right, we've got the agenda up for today. It is our normal agenda. Are there any additions or updates to the agenda as you see it presented, please? All right. No hands in the queue. Let's go to item number two. I'm hoping, Brenda—oh, there's Tim now. Okay, never mind. Tim Smith, welcome to the call. Just making sure you were going to be available for item number three, you are here. All right, let's go to item number two. Steve, please take the floor. Thank you.

STEVE DELBIANCO:

Thanks, Mason. Hey, welcome, Alan. Great to have you on the BC team. So we'll go through the policy calendar now. I'll keep an eye on the participant list to see if anyone raises a hand or has anything they wanted to add. We haven't filed any new comments since the last BC call. So I'll skip right away to the opportunities for things that are open right now.

There's a draft report on the Africa Domain Name Industry Study. This is a throwback to when ICANN thought it was trade association for registrars and registries, and it wanted to stimulate the creation of those industries in certain countries, certain continents. We have a report that's due on the 8th of February. Lawrence Olawale-Roberts, David Snead have agreed to do it, and I'm grateful to you guys for that. Are there any other BC members that would like to volunteer? Lawrence and David, anything that you'd like to say to your colleagues about the line of attack for the comment? It is a very long report and I hope that we will just cherry pick the items that you think are really

relevant to these issues and the registrants, and not worry about commenting on everything that's in there, okay?

LAWRENCE OLAWALE-ROBERTS: Thanks, Steve. We have a call plan for the coming week, that will be between myself and David. I'm sure the later call we'll be able to sync our thoughts and have something in good time for the BC to be able to respond to.

STEVE DELBIANCO: Thanks, Lawrence and David. Anyone else wants to join that effort? Scenario where a couple of extra hands might be helpful since it's such a long report to go through. Any others? Just checking the chat. Okay. Thank you.

Next item up is ICANN has a couple of draft plans for Fiscal Year 2025, but also going through the 2029 Operating and Financial Plan. So, Lawrence, once again, always coming through for us and don't forget that Lawrence is a councilor as well. Lawrence and Tim also volunteered to draft this BC comment. And we've done some comments in the past, which I indicated here, we usually only do about a one-page comment, paying particular attention to the budgets and the spending plans for ICANN. Are there any other volunteers that wish to join Lawrence and Tim on that? It's not due until February the 12th. Okay. Thank you, Lawrence and Tim, I appreciate that.

Now, also we have the Public Technical Identifiers, one of the two entities that ICANN created when we did the IANA transition in 2016. So

the PTI has a very brief Operating Plan and Budget, and Rajiv Prasad from Google had volunteered to do this since he serves on a couple of different groups that pay attention to IANA. But Rajiv is no longer with Google, and therefore, we don't have anyone to do this comment. It isn't absolutely critical, Tim and Lawrence, whose names I've mentioned 10 times on this call already, did a brief comment in November of 2022. So it's that time again. Do we have any volunteers that would wish to pick up the PTI comment on their Plan and Budget? We think in general, PTI, the technical identifiers and root server systems work pretty well and it's not a major budget item. So it would be okay I think if we skipped this one. I see a hand up. Go ahead, please, Arinola.

ARINOLA AKINYEMI: I'm volunteering to do a comment.

STEVE DELBIANCO: Oh, fantastic. On the PTI?

ARINOLA AKINYEMI: Yes, please.

STEVE DELBIANCO: Thanks, Arinola. I appreciate that. I will send you a setup note after this. Okay. Anyone else want to join Arinola? Okay. Thank you.

Then the ICANN Board wrote to all of the ACs, SOs and constituencies back in December. They're following up on the question of what role

will ICANN have in enforcing Registry Voluntary Commitments and the more general Public Interest Commitments that accompany applications for the next round of gTLDs called the Subsequent Round or SubPro. It's become a controversial question inside of ICANN because of the notion that a registry applicant may commit to eligibility restrictions on domain name registrants. They may commit to certain kinds of conduct or maybe even content restrictions in a regulated industry or a regulated profession. When that happens, ICANN may or may not be able to enforce certain restrictions that cross the lines into pure content management, because the ICANN Bylaws prohibit the organization from taking action on the content that lives on a domain name but happens to live in a registry that ICANN delegated. So we're two levels away. Domain Name System is not content, it's the pointers to the content. But if there's conduct that is causing problems for users and registrants, we believe in the BC that you ought to be able to look at the content in order to discover the evidence of the abusive conduct. So it's a subtle distinction. It's one where for us to prevail on that and get ICANN to embrace its responsibility to enforce, we're going to have to acknowledge the bright line between content and conduct. And yet, at the same time, give examples where you need to look at content to determine whether the content is illegal. So this is a subtle, tough balance for us to strike. I do believe we should use the stress test to help to emphasize that. I attached the stress test that we did for the Hamburg meeting.

So, a huge thank you to Margie and Chris Lewis-Evans because you volunteered to pull this together. It's due on the 23rd of February. We do want to get BC members at least seven days to review. There's a

Google Form. Margie and Chris, I turned that into a Google Doc where we can all edit it jointly. And it'd be interesting to see whether we can start to pull that together. Chris, Margie, any others that want to volunteer? I see a hand up from Steve Crocker. Please go ahead, Steve.

STEVE CROCKER:

Just listening to this and reflecting on past pieces of this puzzle, this problem about enforcement of commitments, perhaps an entirely different approach. I'm just sort of thinking about this fresh out loud, that rather than trying to burden the ICANN staff with enforcing these commitments as a sort of a scaling issue, even if they wanted to take it on, that we have a sort of growing number of registries, do you want the staff to grow proportionally, an alternative might be this. That when a proposal is made for "Here's the restrictions that we say we're going to adhere to, here's what our operating rules..." part of that proposal should also include what the audit and enforcement mechanism is. So push the burden back on to the proposing registry operator to say not only what they plan to do, but also what the assurance and governance process is that they will institute or have instituted so that we don't have a growing burden on ICANN and the instinctive reflex action in ICANN that they sort of want to avoid getting involved in this as much as possible.

STEVE DELBIANCO:

Thank you, Steve. So the proposal is that applicants who were proposing RVCs and PICs should in their proposal show that they will monitor audit and report on the compliance with the conditions that they offered to

overcome GAC and other government objections. I think that's a great idea. We can suggest that as an idea in the report. I think that makes great sense. As a practical matter, as a former ICANN chair and Board member, how do you believe we would affect the SubPro application so that applicants are required to indicate the degree to which they will monitor and audit and report? Do we need to change where self probe is going to impose that obligation on applicants?

STEVE CROCKER:

Two things. In your list of what the applicant would do that not only propose the reporting and auditing and so forth, but also some level of enforcement, so what's the recourse if there's something like that. Then to your question, I realized I've sort of stepped into it here. I don't know what the exact state of the play is with respect to SubPro. I suspect that the implication is that what I've just suggested might have an impact, perhaps a large impact, on the status of the SubPro regulations and rules. And I don't know how big a problem that will turn out to be, so I apologize. Just be clear that I'm just responding in real time to thinking about this and it could be that it's impractical to do where that will be the pushback that we get. Somebody who's more familiar with the status of SubPro than I am might have a way of guessing what it would take to add this to SubPro.

STEVE DELBIANCO:

Steve, you bring up a good point. In the stress test that we introduced in Hamburg—take a look at what I have on the screen there—we criticized the fact that SubPro punted on this. ICANN Board and staff and SubPro

did nothing on RVCs, they just punted on it. They acted as if they can't touch it since it might touch content, therefore, the Bylaws change. So what we ought to do is recommend that ICANN finish the work of indicating that if you're going to propose an RVC or adheres to a PIC, that your proposal should include the steps you'll take to monitor, audit, and report as a way to ease the burden on adding ICANN staff that would do the monitoring and auditing. So I think we could tie all this together to say that ICANN didn't finish the work. Remember, they couldn't come to consensus on this. So SubPro punted on it. And there were never any specific guidelines. Of course, the GAC and governments have a very different view that ICANN Org and the folks who ran SubPro. I believe we should tell them to finish the work. And that could include the requirement that as part of their RVC proposal, they indicate how they'll do it. I think it's a great idea.

I'll jump into the Google Doc. I'll invite you to join Margie and Chris and I on that drafting. So you can contribute as much or as little as you like. Are there other BC members? Steve, any final words on that or other BC members want to contribute?

STEVE CROCKER:

No. Thank you very much.

STEVE DELBIANCO:

Fantastic. Thank you. And it's a Google Doc which is easier for us to edit in tandem. All right. Looking for any other hands and volunteers. Oh, great. Alan, glad you're going to help on that as well. I appreciate it.

NIS2, which is followed closely by Marie and Sven. Do we have any updates in the last two weeks on progress of transposition of NIS2 international law and regulation among EU member states? Marie, Sven?

MARIE PATTULLO: Thanks, Steve. Nothing from my side. We know that the Dutch consultation is going to open in spring, we don't know when. Mason and I have an upcoming meeting with Finn Petersen, the Danish chair of the cooperation group between member states, which is at the beginning of February, but I have nothing concrete. Mason may do that. Thanks.

SVEN ECHTERNACH: Germany, we actually have a meeting on the 30th of January, and I might have some updates after that.

STEVE DELBIANCO: Sven, going into the meeting, we would appreciate that you represent, maybe need not from yourself, but you can say that, "Look, I've been part of the BC discussions where they're eager to see the way that transposition occurs." The way that some countries who ccTLDs do require disclosure to see whether they will require the same of Gs that serve their businesses and citizens. But I would also indicate the BC has been disappointed that ICANN Org seems to be saying, "Not our problem. Don't look here." The Day Zero in Hamburg was ICANN staff and Elena saying, "Here's what we do. It's not our problem. Registrars

and registries that are governed by the jurisdiction of the European member states, they've got to work it out." And I feel like ICANN should do more on this. So you can represent that as the BC's position. So it doesn't actually color your ability to be influential and get access to information from the group you're working with.

SVEN ECHTERNACH: Sure, I'm happy to do that. I just have to say that probably the influence here in Germany towards ICANN is quite limited.

STEVE DELBIANCO: Okay, fair enough. Fair enough. On the last call, Mason, two weeks ago, there was a discussion about whether we ought to reply to the Board indicating things that Org and a Board member said in Hamburg with respect to NIS2 that sort of walking away from any ICANN Org assistance. And please forgive me if I miss the draft in my overburdened e-mail, but any further progress on that?

MASON COLE: Yeah. Thank you, Steve. No, you didn't miss anything. I do have a draft that actually I was working on yesterday. I'll be glad to share that with BC ExCom for review, and then the broader BC for ratification as well. But yeah, the thrust of the communication is that we're following up on a query put to the Board during the public forum in Hamburg where the BC asked, "Look at this giant disparity between ICANN WHOIS policy and what's going to be required of contracted parties on the part of NIS2." We were told that ICANN Org believes it's in full compliance with NIS2

in such a way that it gives contracted parties latitude to comply with the parts of NIS2 that they feel apply to them. We're not exactly on that same page. And what we're looking to do is clarify the ICANN Board's position so that we know where to operate going forward. So yes, there is going to be a communication that should be ready shortly and I'll be sharing that with the BC. Steve Crocker has his hand up, Steve.

STEVE DELBIANCO: Go ahead, Steve.

STEVE CROCKER: Thank you very much. I don't know whether it belongs here or elsewhere. But in addition to this NIS2 discussion and comment period, it's come to my attention that there is also an EU opening comment on GDPR. I see Mason shaking his head yes. And it would seem to me that that sort of forms a package in a sense with the issues of NIS2 here. I'd say I don't know where it fits into the overall agenda here. It just came to my attention. But the closing period is 8th of February. This is feedback on how six years of GDPR has worked out for everybody.

STEVE DELBIANCO: Steve, thanks for bringing that to our attention. The audience for that then is the European Commission, European Union. The audience for the letter that Mason's drafting is ICANN Board. So those are related but different audience, different letters. So Steve brings up a great point. Do we have any volunteers that would pull together a BC

comment to the European Commission on GDPR? I guess it's GDPR plus six, six years after its enforcement kicked in.

MASON COLE: Yeah. I'll volunteer, Steve.

STEVE DELBIANCO: It's a great idea, Steve. Thank you, Mason. Can I get some other volunteers that would work on this? Yes, Alan Woods from CleanDNS. I think on your prior life, you would have been on the opposite side of the BC, but you know that here, the BC, we believe that the TempSpec overinterpreted GDPR and that ICANN Org has failed to step up this responsibility on disclosure for legitimate reasons. So, we did have to do a complete brain change on this, but we'd welcome your participation because you know the industry so well.

MASON COLE: Faisal is volunteering as well, Steve.

STEVE DELBIANCO: Fantastic. Thank you, Faisal. Okay, great. Let me move to Council. So Mark Datysgeld and Lawrence are our councilors. They're both on the call today. You had a Council meeting today, I realized that. So it's a little difficult to anticipate what happened. I'll let you report on it. I'll scroll accordingly. I'll turn it over to Mark and Lawrence.

MARK DATYSGELD:

Thank you, Steve. Yeah, we just came out of the meeting a few hours ago. So I'll go over some key points. And there's Lawrence. Please step in any time you want, Lawrence.

Essentially, we had a meeting that was focused on a few specific topics. I would start by saying that the first one would be Paul McGrady's Small Team Plus, as it has been called, on the SubPro pending recommendations. They have been tackling the remaining recommendations one by one, sort of starting from the least controversial ones to the more controversial ones. They have a draft work plan that they have been following. I think it's linked from the policy agenda. And if you look at it, they will have a session during ICANN79 to discuss their progress so far with the community. And they intend to have that be sort of the closure of the discussion so that they can bring it back to the Council and have us actually vote and send it for Board consideration. So for those interested in this work, the person who's following this the closest from the CSG is Susan Payne. Maybe Tim can reach out via CSG regarding this matter.

STEVE DELBIANCO:

Mark, would you take a quick question on that? As we discussed earlier, does the SubPro discussion today reveal in their work plan any awareness of the need to finish the job on Registry Voluntary Commitments and PIC enforcement?

MARK DATYSGELD:

No, it does not. That seems to be understood as a separate matter or as a parallel matter. I don't know exactly where that's supposed to fit, how

the puzzle is supposed to be done. I'm yet to understand how they intend to address this. Maybe I'm missing the plot. But so far, I'm yet to understand that. So someone to talk about this would be Susan. If it is something we're worried about, we shouldn't be reaching out to her. Another neutral party would be Anne Aikman-Scalese. She is, after all, elected from the NomCom side. We could have a chat with her as well. Because right now, from the Council level, there's not exactly a lot of clarity on this.

Following up on that, we also had an update from the Communications Small Team. It's basically meant to address the fact that GNSO Council communicates very poorly with the rest of the community, which leads to a lot of confusion, a lot of people being out of sync. So there are plenty of recommendations that are going to be discussed a little bit further. But some interesting ideas have been floated such as having a GNSO Council liaison to the community, somebody who would be more or less responsible for talking with people about ongoing matters that could be interesting. This is also attached to a future proposal for the Council to engage directly with PDP Working Group chairs. This is something that, as you can see, it's all aimed at trying to optimize the flow of our policymaking, which has been flagged as being inappropriate. So there's a lot of ongoing effort in that sense, which I think is very welcome, especially after the pandemic, things did go out of track.

So data accuracy did come back to the table but I don't follow that at all. So I'll potentially leave that for Lawrence to fill you on.

From the Any Other Business section, I'm currently leading the .quebec issue, as you might remember. It's one of the leftover geo domains from the previous round that would require both an IDN version and an ASCII version. They only got assigned the ASCII version and now they're fighting to have a shot of getting the IDN version. This could affect a lot of new domains in the next round. So it's something that's being taken seriously. I sent a lot of material to give the completion of the study. And we're going to wait on that to see what goes on.

Finally, there's a matter that's being brought up by Jeff Neuman. ICANN has a vendor that's anti-semitic. And there has been a lot of talk about what can be done. A lot of people in the community seem to think that's content. The BC hasn't gotten involved in this as of yet. Let's see how this will unfold, but I'm flagging this issue as people haven't heard about it yet. This might develop into something bigger. Lawrence?

LAWRENCE OLAWALE-ROBERTS: Thank you, Mark. That was a very comprehensive update. The only thing I would add with regards the registration, that accuracy effort, is there's going to be a further pause for a couple of months, possibly about six months thereabout, to allow or rather to see if by that time ICANN will advance the appointment of the DPA. And also waiting for the outcomes of the inferential analysis on maliciously registered domain study to see how the reconstitution of the Accuracy Scoping Team could have a lot of work, so to say, to do when they are reconvened and get to hit the ground running. Also, the report, the GGP and the Internationalized Domain Names were approved to be passed on to the

ICANN Board. That's about what was covered in today's meeting. Thank you.

STEVE DELBIANCO: Any questions for our councilors? Okay. We're going to go through a handful of other Council activities that are relevant here. But one of the ones I wanted to get to Mason first, which is a reminder from ICANN, I'll display it on the screen right now. Mason, let everybody know what you need us to take away from this particular one.

MASON COLE: We're talking about SSC, right, Steve?

STEVE DELBIANCO: That's right. Is it on the screen?

MASON COLE: Yes. Thank you. There it is. Yes. This is e-mail I got from Julie on staff earlier, forwarded out to the BC. We've been ably served by Arinola on the Standing Selection Committee and she has termed out so we need a new representative. We've been asking for a volunteer for a little while now and we're getting up against the deadline. The deadline, I believe, is Monday the 22nd. So if you are inclined to serve in this role, number one, it would be very appreciated on behalf of the BC. It's kind of a silent role but it's an important one. It'd be appreciated by the BC and it shouldn't take up too much of your time. But we do need a new

volunteer. So if you're so inclined, please identify yourself to Steve or me, and we'll take care of the logistics from there.

STEVE DELBIANCO: Arinola, could you take 30 seconds? Tell everybody what the duties of being on the Standing Selection Committee really entail.

ARINOLA AKINYEMI: Sure, Steve. The Standing Selection Committee, basically, is a committee set up by the GNSO Council to help in helping to review candidates for certain review teams, maybe even the GNSO appointed fellowship mentor, even the GNSO Selection Committee. Basically they're assigned tasks by the Council. What we basically do is to evaluate expression of interests and applications, and make recommendations of the candidates that should take up whatever role that the task is meant to be for.

STEVE DELBIANCO: How frequently would you meet and was it always just virtually?

ARINOLA AKINYEMI: It's virtually. It depends on the number of tasks being given. But for every task, I think the maximum number of calls we've had for any task has been two. And I think the maximum number of tasks we've ever had should be two or three.

STEVE DELBIANCO: So two or three tasks and maybe one or two calls per task, where you evaluate applicants and pick the ones that have the right credentials and the best fit for the need.

ARINOLA AKINYEMI: That's right.

STEVE DELBIANCO: This is a great chance to meet a lot of other leaders in the GNSO. You don't have to be a councilor, obviously, to serve on the Selection Committee. And in your case, you've exhibited some leadership capability and they elected to chair. So well done. I appreciate that. Do we have questions?

ARINOLA AKINYEMI: Thank you. As an aside, I see Alan Woods is now with the BC. He happened to be the vice chair in the last cycle. And of course, with this experience, you will be a great asset to the BC sitting on that.

STEVE DELBIANCO: Marie, you know everyone that's applying for positions in Council. So, Marie, if you really are able to fit this in, it will be wonderful to get you back in there.

MARIE PATTULLO: Yeah. I've got no problem doing it, Steve. But as I say, I don't know if I'm allowed to because I was there before Arinola. I don't remember what the rules are.

STEVE DELBIANCO: On the screen, I'll just quote what staff wrote here. You can serve a maximum of two consecutive terms. It would not be consecutive.

MARIE PATTULLO: No, I've got no problem doing it. But of course, if somebody else wants to step forward, then I'm more than happy not to do it also.

STEVE DELBIANCO: Are there BC members that are interested? Go ahead, Alan.

ALAN WOODS: Thank you. Obviously, I'm more than happy. As Arinola said, it's not a huge lift, but it's perfectly doable by most people. I don't know how it would sit for me to go from Registry to BC. I don't know what the charter would say to that. But again, I'm happy to be there as a sub if needs be. If nobody else and, Marie, if you want to continue on, that is absolutely no problem to me. But I'm more than happy to help out as best as I can with this, because again, it's not a huge lift, but it is quite rewarding, as you said.

STEVE DELBIANCO: And we need an alternate, too, Alan.

ALAN WOODS: Yeah, I'm happy to do that.

STEVE DELBIANCO: That's awesome. Thank you. Any others interested? Segun? This is Segunfunmi. So I often have to keep track of the different Seguns. Okay. All right. So what would need to happen, Mason, in terms of our ability in the BC to collect interest, the Executive Committee would evaluate and make a recommendation to Council on our member and alternate. So, in order for this to meet the deadline of Monday, I would say that Marie and Alan will take what you said on the call. And Segun, we'll take what you said on the call as indications of interest. If you wish, you can send to Mason any other thoughts you have about level of interest, qualifications, and the BC ExCom will make a decision on a member and alternate by Monday morning. How does that sound, Mason?

MASON COLE: That sounds fine, Steve. Thank you. So if I don't have your Expression of Interest—I'll put my e-mail in the chat. It'd be useful if you can e-mail me your Expression of Interest so that we can keep everything organized as an ExCom to conduct that discussion.

STEVE DELBIANCO: Don't we also need their SOI, the standard GNSO SOI?

MASON COLE: Yes, please. Thank you.

STEVE DELBIANCO: Alan, I know you and Marie do, but, Segunfunmi, do you have an SOI on file at ICANN?

SEGUNFUNMI OLAJIDE: Oh, yes, I do.

STEVE DELBIANCO: Okay, great. Perfect. I'll cancel that. Bring up this policy calendar one more time. With respect to other Council activities, Zak and Arinola, is there anything to update us on for Transfer Working Group?

Okay. Moving on to number two, the Continuous Improvement Program, I think we covered the communications aspect of that earlier. Nenad Orlic represents the BC on the working group and had a report, because I think you have your inaugural meeting earlier this week. Nenad, over to you.

NENAD ORLIC: Hi, everybody. I hope you hear me well. Yesterday there was inaugural meeting. Nothing special happening, just the introduction. All the members introduce themselves. Basically, the scope of the group, it was explain the expected time, and so on and so on. Basically, it is expected for this group to last for a year or year and a half, in ICANN terms that means two to three years. Basically, there is no concrete document as I

understood is going to happen. But we need to see the practices, everything, and to relay to our constituencies. Maybe I got it wrong, but I'll let you know as it goes by. So that's about it.

One of the issues that was mentioned was why the scope of the group covered only SOs, not European Board, and basically said that organization, board, and other ICANN organization elements are covered by separate working groups or individuals or companies that are doing the improvement and compliance check.

STEVE DELBIANCO:

Thank you, Nenad. For those of you who've been around 20 years, like a couple of us, and Steve Crocker's case even longer, the ICANN Bylaws from the beginning had mandate every five years that ACs and SOs do an organizational review to evaluate their fitness for purpose and any structural or process improvements that are necessary to accomplish what the Bylaws require. The BC has been wholly unsatisfied with the GNSO reviews. They never result in a change to the unbalanced power in the GNSO with respect to contracted parties. We switched weighted voting for a bicameral house system, which did not change the ability of contracted parties to control it. The BC also believes that CSG in 2009 got created in a way that unbalanced the business representation side of the GNSO, the setting up of the Non-Contracted Party House, which is half non-business and half business. So we have never been a fan of the GNSO reviews and only lost ground, never gained ground. So this ATRT recommendation says, "Instead of doing five-year reviews that get delayed and often don't deliver much, turn this into a Continuous Improvement Program." This is one of the recommendations of ATRT3.

That's what Nenad talks about, the Continuous Improvement Program, as opposed to something that happens every five years with an outside consultant who's hired to answer certain questions but told never to touch the structure. A lot of frustration probably showing up in my voice, but I echo a lot of the other colleagues on the BC that have had this not go very well for us, Marie in particular.

So that is really in many respects, Nenad, the thing to watch for the most is whether the CIP would have any teeth to it. Would the CIP for GNSO include evaluating structures, evaluating voting, evaluating processes continuously? And if so, would anything that the CIP comes up with be subject to a vote or veto of the contracted parties, in which case, we're never going to improve processes. We're never going to do an improvement if the improvement degrades the ability of contracted parties to control GNSO. Okay? So keep an eye on that, please.

NENAD ORLIC:

Yeah. Like I said, maybe I misunderstood something. But basically, it's a coordination group which will help us to improve ourselves in our constituencies.

STEVE DELBIANCO:

Yes. But if that improvement changes the balance of power, you got to pay particular attention to whether the improvement itself is subject to approval by those who don't want to lose power. Do you understand that?

NENAD ORLIC: Don't worry. I will relay everything, especially important stuff.

STEVE DELBIANCO: Okay. Steve Crocker?

STEVE CROCKER: I'm 100% in agreement with you, Steve, about the very peculiar structure that exists and how it's weighted very heavily in favor of the contracted parties. I think it's going to take something even stronger than what we're talking about here to address that. I don't have a magic bullet, but it's going to require, I think, making a lot of noise and raising it to a higher level somehow. Anecdotally, I can tell you that when I've had recent discussions with people who are beginning to engage across the entire ICANN spectrum, I find myself saying, "Look at the org chart but let me tell you where the interesting pieces of that are. The contracted parties are one half. The commercial side of it, Commercial Stakeholder Group with its three constituencies, is often aligned with NPOC on the non-commercial side. NPOC is usually not aligned with the NCUC. And the ALAC is often aligned with these pieces so that looking at the flat structure, just the structure as presented, doesn't tell you where the natural alignments are. Not too hard to find them out, not too hard to learn them, but definitely not part of any of the official documentation that one gets presented with. Then, of course, all the voting and everything was quite complicated and constricted in there. So, as I say, my main point is long-standing issue. The attempt at the two houses and the voting structure that was imposed on all that, which was interesting, I'll just say, it was sort of a peculiar thing. I would agree

strongly that this has not worked out in the direction of providing appropriate voice and action and effectiveness primarily from the Non-Contracted Parties, Commercial Stakeholders Group.

STEVE DELBIANCO:

Thank you, Steve. The alignment of ALAC only helps in a working group but it doesn't help at all since they don't vote on Council. So that's been so disappointing. Even the alignment with the SSAC that you have led for decades, it has no implication at all on Council since they don't vote there. So ultimately, even consensus among ALAC, SSAC, CSG, and others is insufficient to overcome the voting power that the contracted parties have. So, Nenad, I would refer you to the BC's comment on Holistic Review. We just completed it. That Holistic Review speaks to the structural concerns that had to be done in a very high level, just like Steve Crocker was describing. So the BC was on record, trying to suggest that the Holistic Review is the time to look at the structural issues because the Bylaws mandate a GNSO review, the Board has instructed the vendors not to touch structure.

Okay. Sorry for the slow progress here, Mason, I'll move it up a little faster. The RDRS system or formerly known as SSAD Light or the ticketing system. Steve Crocker and I both serve on the small team Council established. And since November when the RDRS was launched, we've been part of that group. Our next meeting is Monday, the 22nd of January. So I will turn it over to Faisal, Steve Crocker. Those are the rest of you that have used the RDRS, this is the time to tell Steve and I what complaints, concerns, and suggestions you have for us to raise on the Monday call. You'll note down here is that I had a handful of items that

I've collected from you over the past couple of weeks. I'll go to Steve Crocker first.

STEVE CROCKER:

Thank you. As you've said, Steve, I've been heavily focused on this as well. I've been having conversations with a handful of people among the ones listed there and note that ICANN just released a report on metrics related to the initial operation of RDRs. I think it would be enormously helpful if the requesters got together and shared data separately from trying to funnel this all through ICANN so that you have an external collection of the requesters sharing data among themselves, speaking however they want to speak about, what they've learned and what the problems are. Then that can be compared with the data that ICANN is releasing and also where the differences are, of course. So, I'm beginning to push on that. And I think that several of the people here and generally in the Business Constituency would do well to participate if you wish. I'm happy to provide whatever assistance is desired in coordinating this but mainly it should be a grassroots effort from requesters.

While I have the floor, very small item, you've listed me as the SSAD representative. That's really SSAC, of course. But a bigger name conflict is that, unconscious as I have been in many times in my life, there are too many Steves in the world. Steve DelBianco, you have precedents. So I hereby volunteer to adopt some other name, either Crocker or Zeke or anything that you guys like. I'm happy to take that and reduce the conflict of the names.

STEVE DELBIANCO:

When the Council calls, they call you Steve C and I'm Steve D, and I always come after you.

The staff report itself bears looking at—I'm looking at Faisal—make sure you look not just at the ICANN blog but the staff report itself. Between now and Monday, Steve C and I can actually advance a lot of ideas, suggestions, concerns, and questions. We can do that Monday. And then on Wednesday, as Marie indicated, there's also a webinar where staff presents a bunch of slides, they'll probably present the report that we've linked to, and that's an opportunity to feedback. Now, again, it's early. We know that our side is not participating at a great degree. We need to always explain why that is in terms of the limited response that they get and the limited participation of the registrars. And we need to make sure that the data isn't steering itself into a position that will justify eliminating any ICANN role in disclosure of registrant information, since we know that there are some who looked at this exercise of RDRS as showing that there isn't sufficient demand for any policy in the area. Tim?

TIM SMITH:

Hi. Thanks, Steve. I just wanted to comment and just to help you gather information. Mason and I met with Sally Costerton last Friday, along with David Olive. So we did present sort of my experience, I suppose, with the RDRS. I commented that I've had some requests in for over a month that are still pending, which seems like a long time, for sure. And they had actually just come from a meeting or said they had come from

a meeting with two of the larger registrars who were expressing, I guess, satisfaction and found that the RDRS was a time-saving mechanism for them, didn't describe exactly how it was time-saving. But they said that they were encouraged by the large number of registrars, percentage-wise, that were participating in the RDRS. And while percentage-wise that may be true, I made the comment that the types of registrars who do bad activity related to my industry, the online pharmacy industry, for the most part, are not participating in the RDRS. So they may be smaller percentage-wise, there's probably larger activity from those who are ignoring RDRS. So they did say they were going to take that away.

The other comment that I made, and this is what I find, again, related to my own industry, is that a lot of the bad activity takes place with the CCs. And while the CCs are not covered by the RDRS, there's a lot of mischief going on out there and there's a lot of bad activity out there. So I don't know if there's a way, and I did pose this to them, if there is a way somehow within or outside of RDRS to be able to capture some of the bad activity that is taking place beyond the scope of the RDRS. So I just wanted to share that with you.

STEVE DELBIANCO:

Faisal?

FAISAL SHAH:

We've obviously had a little bit of a slow start trying to figure out how to make sure that we get everything right as we start using the RDRS for all of our customers. So that is currently ongoing. I think the interesting

thing is, to kind of pile on to what Tim is saying, I think it's correct. There are some registrars that should be participating that are not participating. We've noted that we can't even submit the request because they're not part of the system.

The other thing that I thought was really interesting was that in submitting one of our submissions and we got a denied response from one of the bigger registrars, and this was us submitting it not in an expedited way, but submitting it in connection with trademark infringement, basically, we got a response. And here's kind of how they kind of laid it out. First thing they said was to address complaints regarding intellectual property infringement in the content of a website. We weren't talking about the content, we're talking about trademark infringement and the domain name itself. They asked us, "You need to address your complaint to the hosting provider." So they kind of ignored that whole piece of it. "To address other abuse concerns, such as inappropriate content matters, malware, phishing, or scams, you can contact a domain name registrar of record," which I presume is to be them. "And then if you suspect any of our customers are using our services, to gauge any illicit activity, you need to help us coordinate with law enforcement." So I think it's going to be a challenge on the intellectual property side. I think maybe there needs to be some education that, look, when we're submitting intellectual property, we're submitting it not on content. We're submitting it on the domain name itself. And maybe that needs to be something we discuss with them.

MASON COLE:

You're muted, Steve.

STEVE DELBIANCO: Thank you. Faisal and Tim, would you please send an e-mail to Steve Crocker and myself before Monday with any of the responses? You don't have to disclose the domains we're looking at unless you wish. Steve and I will not reveal any identity of who's been the requester. We just like to have examples, like kind of responses that Faisal just reported. Those would be invaluable on Monday's call. Any other BC member that has experienced with it seriously, send it over. We will protect your confidentiality, but we need examples that we can bring up on Monday.

FAISAL SHAH: I agree with that.

STEVE DELBIANCO: I appreciate it. Faisal and Tim, could you please be on the Wednesday webinar that ICANN will hold for requesters?

FAISAL SHAH: Yes.

STEVE DELBIANCO: Thank you. Subsequent rounds, we've covered earlier. So now it turns to Marie. I'll turn it over to you to cover Channel 3, which is the CSG.

MARIE PATTULLO:

Thanks, Steve. I'll do this really quickly and I work against the clock. [Team 14]. So those of us who are going to try to improve the procedures on how we nominate our Board member. We haven't had a meeting yet. That should be in February from the CSG side is going to be Damon for the IPC, Philippe from the ISPs, and me. We're going to have a meeting soon to discuss general CSG policy on which we'll report back and we still don't have any news of the possibility of having an extra day in Kigali just for a Non-Contracted Party House session. But going into the meeting, we do know that's happening in San Juan. We're meeting with the PSWG, so law enforcement on Saturday, with the contracted parties on the Sunday. On the Tuesday, full day of everything. CSG meeting itself and then straight in almost to a session just with the NCPH. This is really important. If we're going to work together, we actually need to try to work together. So please do come to that session. We've also got the BC meeting that day and the CSG with the Board that day as well. That's it from me. Anything else, let me know. But Faisal has his hand up, Steve.

STEVE DELBIANCO:

Faisal, is that an old hand? It is. Okay. Thank you, Marie. Any other questions for Marie? Marie, when I circulate the draft agenda, that's a great chance to throw anything else you need in terms of links and documents into the Channel 3 report. Happy to do that in future. Mason, that's it for the policy calendar. Back to you.

MASON COLE:

Thank you, Steve. All right. We're very pressed for time here. It's five minutes before quitting time. But we may go a couple of minutes over depending on how we do on item number three. Tim, apologies. You got strangled today by a very robust policy calendar review. No fault of anybody's, just we had a lot to cover. So you might want to prioritize what you want to discuss today, and then we can cover the rest on the list. Tim, over to you.

TIM SMITH:

Thanks very much, Mason. I did have a whole bunch of things to talk about. But in the interest of time, not all of them are time-sensitive so we can put them off until next time.

I just wanted to let you know that I am sort of getting my feet wet with the whole finance portfolio. We do have a bank balance of \$115,000, which I was able to confirm for myself yesterday because I finally got signed up to online banking. So, I'm very happy with that. As you may have heard over the past year or a couple of years, all of the issues that we've had dealing with our bank and getting proper access to the bank, and kudos to Lawrence for the patience and diligence that he put into actually getting that smoothed over. But I will tell you this. I will tell you that a lot of the authorizations at Wells Fargo Bank are done by text messages using short codes, which apparently short codes cannot be used across borders from the United States to Canada, where I'm located. So I still have a little bit of an issue, although I'm working on workarounds on that. So I do have access to the account. So we're in the process of getting everything up to date with McDonald Jacobs, who

is our accounting firm. So, hopefully, by the time we meet next time, I'll be able to give you a more robust finance report.

I guess in other areas, and again, in the interest of time, there was a deadline for interest for the Fellowship Program mentors within GNSO. Mark Datysgeld name was submitted. Thank you, Mark. We have no report back from that. Deadline was last Friday, I believe, the 12th. And from what I understand, there were 12 people who have actually applied for that position. So we'll be hearing more about that in the future.

But also, I noted that the SOs and ACs have now been invited to nominate volunteers for the Fellowship as Fellowship mentors. And the deadline for that is January 31st. So if there are people who are interested in that, you can apply. If you don't know how to do that, you can send me a note and I'll assist you a little bit on that, or at least point you in the right direction.

Beyond that, I guess the thing that I'm currently reviewing is our committees. It says, according to our charter, that the two main committees, which are Finance and Credentials, shall elect a chair on an annual basis. So I'm looking at the membership of our committees at the moment. I will reach out to all the existing members and hopefully find that everybody wants to return and continue to be productive and helpful in those committees. So you will be hearing from me in the next little while.

Then the last thing that I'll comment on, which you'll hear me comment on all the time, is submissions for the newsletter. Our next newsletter

will be issued for ICANN79. I don't have a deadline for you right at the moment but we'll be finding one. But I encourage anybody with great stories to tell about their industry and about the relevance of the Business Constituency to submit articles so that we can put those into the newsletter. I guess a year ago, I submitted one where I talked about my association, the Canadian International Pharmacy Association, and as I said, the relevance of the BC and the importance of the BC to the work that we do. I know you don't want to hear about the Canadian International Pharmacy Association in every newsletter so I encourage people to present their own articles of relevance.

So that's it for me abbreviated. Mason, back to you. Or I'll take any questions.

MASON COLE:

Thank you, Tim. Any questions or follow up for Tim, please. Tim, you've got a volunteer in the chat to provide some info to the newsletter. Thank you. Arinola, please.

ARINOLA AKINYEMI:

Okay. Thank you, Mason. Just a quick one on the GNSO Mentor Fellowship Expression of Interest. That actually closed. For the GNSO, it closed on the 12th of January. Currently, there is candidate evaluation going on. So the 31st of January is just for the GNSO to submit to the Fellowship. So no one can express any interest anymore. It's already closed. That window is closed.

MASON COLE: Oh. All right. Got that, Tim?

TIM SMITH: Yes.

MASON COLE: Okay. Thank you, Arinola. All right, any other follow-up for Tim, please? All right, any other business from the BC on our 18 January meeting? All right, very good. Oh, Arinola, go ahead, please.

ARINOLA AKINYEMI: I should have done this a bit earlier. For my replacement at the SSC, I would advise that it should be done as soon as possible because currently the candidate evaluation is going on and the BC is missing out on it. So if we can get the person in because they will have a meeting on the 24th of January to do the final appraisal on the candidates.

MASON COLE: Thank you for that reminder, Arinola. Yes. As we discussed earlier, the ExCom is very aware of the January 22 deadline, and that's going to be a priority for us to get a BC representative appointed. So thank you. Okay. Other business for the BC, please?

All right. Thanks for sticking around for a couple of extra minutes, everybody. Much appreciated. Our next meeting is February 1 at our normal time. That is two weeks from today. As always, watch the list for

important updates. Brenda, thank you for the support. BC is adjourned.
Thanks, everybody.

[END OF TRANSCRIPTION]