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BRENDA BREWER: Good day, everyone. Welcome to the BC Membership call on 1 February 2024 at 16:00 UTC. Today's call is being recorded and is governed by the ICANN Expected Standards of Behavior.

Kindly state your name before speaking and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. I have received apologies from Barbara Wanner, Ching Chiao, Steve Crocker, Mark Datysgeld, and Tim Smith. And 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. Good to have you on the call on February 1<sup>st</sup>. It looks like we have a lightly attended call today but some people are logging on right now. So we have a lighter than usual agenda because Tim is out. We'll have either a very brief item three or no item three in deference to our next meeting. But while we're on the subject to the agenda, does anyone have any updates or additions to the agenda? Anything for AOB, anything of that nature, please? Okay. No hands. All right, very good. We're going to make best use of our time. So, Steve, please take the floor. Go ahead.

STEVE DELBIANCO: Thank you, Mason. I'll share the policy calendar. Okay. Hopefully, you see that now. So first thing up is, when you look at the selected comments, we've not filed in anything new since our last meeting. So

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the first item up is that there's a draft report on ICANN's plan to improve the domain name industry in Africa. Those comments close next week on the 8<sup>th</sup>, and it's a long report. So long that we have to be sure to thank the work by Lawrence and by David Snead to go through that and pull out roughly a dozen points that they want to note, to appreciate with respect to the report. But there are also a couple of suggestions in there. So I'm going to display that now and give David and Lawrence an opportunity to walk you through that report. Lawrence, you can begin speaking while I take care of this.

DAVID SNEAD: Okay. Thanks, Steve. Lawrence, do you want to just go through the document? Or I'm happy to, whichever.

LAWRENCE OLAWALE-ROBERTS: No, you can do that. If there's any other else to add while you're on the queue, I'll definitely do so.

DAVID SNEAD: Okay. So I'll be quite brief. The study itself was relatively high level and only contained one or two issues that the BC typically takes a policy stand on. So I'll point those out just to start out with. The first is in our comment three and comment four where we discuss security issues and regulations that might support the DNS industry. Lawrence and I have taken a pretty light touch in our comments and just simply point out issues that the BC might generally take a position on.

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The second thing to talk about is in paragraph five. That's a discussion about a proposal to relax regulations for registering domain names. We just pointed out that any relaxation needs to take into account the impact that that might have on the introduction of fraud and security issues. There are some—

STEVE DELBIANCO:

Hey, David, would you take a suggestion there that maybe... Do you think we should turn number five into a suggestion? Namely, we should suggest that the report be modified to point out the nations with regulations on registration may have been more success of creating trust. In other words, this is a "generally supports" and there's a "however," but there's not a suggestion as to what we want them to do on number five.

DAVID SNEAD:

Yeah, I'm happy to modify this to be a suggestion. We'll need to modify the text to be more specific because the discussion in the report talks very broadly about regulations and how those regulations might in fact be too detailed, and as a result, need to be relaxed. What I think we could say here is we suggest that the regulations be revised to specifically discuss fraud and those types of things. I think that that would be reasonable.

STEVE DELBIANCO:

You're probably just going to place—

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LAWRENCE OLAWALE-ROBERTS: I just wanted to add that for better context, the regulation that the promoters of the study were focused on were regulations that some particular ccTLDs put in place to only allow residents within the countries to register a domain name. So they are suggesting that such regulations should be relaxed. But in the line of our own interest, I also agree that this is a good opportunity to be able to chip in that where such regulations were to be adjusted, it should not be to the detriment of increasing the ecosystem for domain name abuse within such TLDs.

STEVE DELBIANCO: Got it. I put a placemark for you, David and Lawrence. Number six is applaud the word “encourages” in here. At least we’ve made a suggestion, right, David? So we are going to ask them to change it.

DAVID SNEAD: That’s correct.

STEVE DELBIANCO: We have a suggestion in number seven. It’s a good distinction.

DAVID SNEAD: Right. So in general, the bulk of the other recommendations and comments are more general in nature and deal with support of the DNS industry in Africa in general. One of the things that we’ve talked about or that we talk about is supporting the underlying infrastructure in Africa, particularly data centers and IXPs and hosts who tend to

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facilitate the DNS in general. So that's just kind of an overview of what we've discussed.

STEVE DELBIANCO: I know the guy that runs the Namibia ccTLD and he's a character, as you all know, why did they exclude that?

DAVID SNEAD: Namibia?

LAWRENCE OLAWALE-ROBERTS: No, that was not also explained in the report. There was just a note saying that the Namibian ccTLD was not considered or run. And it will be nice to know what the reason for the exclusion is.

STEVE DELBIANCO: Beautiful. Okay, any questions or suggestions for Lawrence and David? All right, fantastic. So much appreciate the work you put into that. I will send out a last call when there are three days left. That'll give the BC members a final chance, those who are not on the call, for example. Maybe I'll send it out over the weekend so people have a chance to do that. Thank you, David and Lawrence.

Let's go to number two which is ICANN plans on Fiscal Year '25 and in the five-year plan from there. That's also due on the 12<sup>th</sup> so we are looking to get something into members' hands by the 5<sup>th</sup> or Monday. Once again, we turn to Lawrence. Tim's on the line. Lawrence, do you

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still believe you and Tim may be able to come up with a handful of points on that?

LAWRENCE OLAWALE-ROBERTS: Yes, I'm sure I'll be coordinating better with Tim. We're looking at the feeds to have something out to members. And I'm sure that before then, which is of a few days, which we'll have a draft that members could look at, which we can also continue to improve before the deadline for submission.

STEVE DELBIANCO: Thank you, Lawrence. It can be in the form of bullet points, just like you and David did on the prior item. And I'll take care of all of the appropriate submission in format. Thank you.

LAWRENCE OLAWALE-ROBERTS: Thanks.

STEVE DELBIANCO: All right. Number three is the Op Plan and Budget for PTI. That's the Public Tech Identifiers. Arinola and Segun volunteered to draft comment. I just heard back from Arinola that we should have it in our inboxes over the weekend so it'll be distributed by Monday, the 5<sup>th</sup>, giving you five days to review. Arinola, anything you wanted to note to your colleagues now about where you're heading on this comment? Okay. I'll take that as a no, and I'll move on.

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Next item up. This is an important one. It has to do with Public Interest Commitments and the Registry Voluntary Commitments they make in the next round. Things like restricting a new top-level domain registry to certain qualified professionals who are licensed in a profession that would be a registrant restriction. But there might also be restrictions on the conduct of domains in that registry and the content that's displayed, and whether that content contributes to content that's abusive. So the BC's longstanding interest was to ensure that Registries were transparent about what restrictions they will place in order to alleviate objections from governments and GAC, and that ICANN be in a position to enforce them. Otherwise, those who are affected by abuse will have no place to turn. There's a bilateral agreement between a government to remove an objection and a registrant will be useless. We need ICANN to enforce anything that's in the contract, including RVCs and PICs.

So this is something that's been on our way a while, underway for a while, Margie Milam, Chris Lewis-Evans. We added Steve Crocker and we added Alan Woods. Today on this call, I see Alan and Chris and Margie. Do you have any data on how that progress is coming along? And if you wish, I can display the current Google Doc that we started.

CHRIS LEWIS-EVANS:

Yes, Steve, I'll jump in. Myself and Margie met last week, we had a good discussion. We've come up with a first draft which we're going to go over tomorrow. So we've not added it to that Google doc yet, I'm afraid. But yeah, I think it's really important that whatever commitments are made in the next round that they're measurable and that there is a mechanism to put compliance against those commitments where

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they're not met. Because having the seen the level of measurability, shall we say, to the existing ones being very low, and compliance has been low, I think it's important that we make sure that that happens in any future rounds.

STEVE DELBIANCO: That's great. I'm standing by to help with that. I covered this topic extensively in Hamburg and I realized the NCUC and a lot of others are going to look for a very, very strong line prohibiting the ability of ICANN to look at content when it tries to enforce commitments. And the BC wants that line to be a little bit more gray so that content can be taken into account to determine whether there's been conduct that violates the RVCs and PICs. Alan, Margie, anything you'd like to add? I always want to call on Alan because I love hearing his voice on a BC call.

ALAN WOODS: I won't disappoint you. All I'd say is no, I have nothing. But thank you.

STEVE DELBIANCO: Thank you, Alan. Margie?

MARGIE MILAM: Hi, everyone. One of the things that we're thinking about including in the comment is a reference to the BC comments in the past on the DNS abuse amendments. If you remember, the process that was identified was there would be the DNS abuse amendments that got approved just recently, but that there were ongoing opportunities to enhance those



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commitments, and that was just stage one of the ability to do this. So that's kind of referencing the work that we've already done. And when we made our comments to the amendment process, it's something that we'll incorporate into the comments.

STEVE DELBIANCO:

Thank you, Margie. Again, they have a form. So the Google Doc I pulled together was derived from that form. If the doc that you've been working in isn't delineated by the form questions, when you paste it into the form, you can just cut it up into those respective pieces. We can always have an addendum, for instance, that puts everything into one place in the order that we want it. So I can attach that to the BC comment as well. Thank you.

Number five up here. DG Justice is now seeking comments on GDPR. It went into effect roughly 10 years ago. It became associated with massive fines in the middle of 2018, just five, six years ago. And finally, DG Justice is wondering, how's it all working out? That's an opportunity for us to comment. Mason, I want to thank you again for putting together a draft. I'll share that now if you want to discuss it. It's not due until the 8<sup>th</sup>, but that means we do need to have a discussion today.

MASON COLE:

Thanks, Steve. We did put together a brief comment on GDPR effectiveness as it relates to the WHOIS database. I'm sure everybody on this call could predict that. So what you see here is our early draft. We talked about—in the general comments, it's the consultation on GDPR is a long one. We picked one question to answer and that was,

“What are the benefits and challenges in terms of trust and awareness in terms of the application of GDPR since it was implemented in 2018?” If you scroll down a bit, Steve, you can see we set the context about WHOIS and its importance. The fact that online crime has gone up since WHOIS went dark in 2018, we wanted to set the context for European authorities so that they understand why WHOIS so important. Then the priority issue to be addressed is a liberalization of the WHOIS database at some level, as it comports with NIS2 which is in play right now with European member states. Then we conclude by saying that GDPR is great, it has a lot of good effects, but its impact on WHOIS overall has been negative on the safety and the integrity of the businesses that the BC represents. So we’re asking for European authorities to consider the consequences of the dark WHOIS database and why that needs to be updated.

Faisal, no, I have not sent you this draft. But I will today so that you can have your input on it so that the BC can sign off on this and we can get it turned in by the deadline on the 8<sup>th</sup>.

STEVE DELBIANCO:

Mason and Faisal, thank you. This was circulated with the policy calendar yesterday, it’s attached. It’s called V1 BC submission. So everybody in the BC has it. We’re going to file it on the 8<sup>th</sup>. So you’ve got more than seven days of BC review per our comments. I will do a last call three days before we submit. But this should be a great time to suggest to Mason and Faisal, if you think that that comment has struck the right tone, and I can scroll up and down in the document.

MASON COLE: Well, Zak's hand is up too.

STEVE DELBIANCO: Please go ahead, Zak.

ZAK MUSCOVITCH: Thank you, Steve. Thank you, Mason. Yeah, it's a very good comment, Mason. I just want to mention, I'm not asking for any change to it, that when GDPR was originally enacted, it included specific carve-outs for member nations' corporate databases and trademark databases. So how sweet it is for them. When they had registries that needed to be made public with all kinds of personal information, they just carve those out and they left WHOIS hanging in the wind. Thanks.

STEVE DELBIANCO: Great point, Zak.

MASON COLE: Thank you, Zak.

STEVE DELBIANCO: Is that worth noting someplace in the justification for European attention on this potentially?

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MASON COLE: Yeah, I think it's worth considering. I'll see if we can weave that into the comment.

STEVE DELBIANCO: Zak, what you just said was rather articulated, it might even include a citation. If you have that handy, you could e-mail it over to Mason and Faisal.

MASON COLE: If you would, Zak, that'd be helpful.

STEVE DELBIANCO: Thank you, Zak. Any other comments on this? You'll have one more chance via e-mail, but this is the perfect time to make your suggestions while the authors are here. All right, great. Thank you. I'll go back to the policy calendar.

The next item, there are three more plus NIS2. So on the next three, there are brand new comments that don't close for several weeks. However, the first two, we do need to get a volunteer to help us on responses to questions about the domain name collisions. Collisions occur when a brand new gTLD is proposed. And you take a look at whether it's deployed once it becomes into the zone file, into the root file, will it cause a collision with internally deployed domain names like .printer, .office, .mail, those are called collisions. They can result in, at the most benign, lost traffic. But they could also result in significant opportunities for fraud and abuse if they're intercepted. So this was a special study done on collisions. The BC was vital and trying to suggest

that this was an important issue before the first round and we were successful at changing some of the rules on the first round. And now it's getting ready to set up the rules for the next round. Do I have any BC members that would volunteer to be part of the comment drafters on this? They don't close for a full four weeks. I'm not seeing any yet. I will revisit the comments we've done on collisions in the past as well.

Another one is the EPDP on IDNs or Internationalized Domain Names. These are domain names that include non-ASCII characters in the non-Latin script. And it's a Final Report, we have commented on the previous ones. For our next meeting, I'll circulate the BC members who contributed to our prior work in this area, and see whether they could be coaxed into commenting on the Final Report as well.

Then number eight, there's a new proposal for a top-level domain string that would be reserved for .internal for private use. This was something the BC commented on in the last round. Crystal already reached out and volunteered to be one of the drafters for BC comment. I imagine there are companies on this call who will also be interested in having that available for private use. Are there any others who would join Crystal as a volunteer on this? This is .internal to be proposed—it wouldn't be delegated for external but only internal use. In order to prevent collisions, then what we have to make sure is that no one be able to propose and delegate .internal for external. Okay, great.

NIS2, this is an opportunity for Sven, Marie, and others who closely follow the European member states as they transpose NIS2 into their own law and regulations. And it's often an opportunity to learn where there are opportunities and threats for us to pursue, particularly those

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who have relationships in the European states. Margie, Marie, Sven, anything to add?

SVEN ECHTERNACH:

Yes. I can add that this week, we had a discussion how to implement NIS2 with the German DE registry. We have similar topics as we just had in point five. So the GDPR versus having an open WHOIS because NIS2 is demanding to have WHOIS data available, at least for companies. And then there are gray areas. For example, if we have a sole proprietor which is not registered in any company records, would this still be under the GDPR or should it be published? Then there are also questions, should the name of a reseller be published if we have just a registrar but there could be a chain of different entities that are providing registration services? So these are kind of the discussions we currently have. And they will probably go on for a couple of more months.

STEVE DELBIANCO:

Sven, thank you for that. So this is how the German government would implement NIS2 for purposes of Germany. Are we aware of any other member states considering a similar treatment of resellers? Anyone? Sven, is it possible for you to share with your BC colleagues any of the outputs from the working group that you're part of for .DE and the German government?

SVEN ECHTERNACH:

Yes. First of all, I have to say it's not with the government. It's basically on the registry which is not controlled by the government. But I can

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share some of the questions we have. I cannot do this because there's no result defined, but we can discuss the questions, and then we can see what could be a good answer.

STEVE DELBIANCO: Thank you, Sven. Question from Mason?

MASON COLE: Different topic if Sven is finished.

STEVE DELBIANCO: Go ahead, Mason.

MASON COLE: Thanks, and thanks for that update, Sven. Steve, we're working on a draft right now of a potential letter from the BC to ICANN Org, namely to the Board. It's not on your policy calendar as of yet, I don't believe. But it's in process. You may recall that when we were in Hamburg, there's a question put to the ICANN Board on behalf of the BC regarding NIS2. We got to reply from Becky Burr who basically said, "Look, we think ICANN Org is in full compliance with NIS2. We think that gives registries and registrars latitude to do what they think is important to comply with NIS2. So therefore, we don't really think that Org needs to do anything." I would like to follow up that comment with a formal letter to Org to get them on written comment, basically, to say that or to update their position with us. So the BC should expect that very shortly.

STEVE DELBIANCO: Thank you, Mason. We discussed this two weeks ago and maybe even a little bit in Hamburg. So there's no formal due date because it's not a public comment. But it would be a formally approved BC position. Even though we're asking the question, it will certainly imply what it is our concerns are about, especially when we're quoting things that were said in Hamburg, we want to be careful to do it respectfully and accurately. So the BC members will want Bylaws call for seven days of review. So if we were able to circulate that draft over the weekend, early next week, we could submit it then probably by seven days later. Does that meet with the timing you have in mind?

MASON COLE: That should be fine. Yes. Thank you.

STEVE DELBIANCO: No, thank you. I appreciate your work on that. All right, so scrolling ahead, we usually turn Channel 2 to Council. The previous Council meeting was on the same day as our prior BC member call, and our councilors, Mark Datysgeld and Lawrence, they're representing us there. I've given a brief report on what was done at the 18<sup>th</sup> of January meeting. It's so brief that all I did is include the two consent items that were approved, which were Final Reports, Recommendation Reports. The next Council meeting is over two weeks away and we won't have an agenda until next week. So before I turn to other Council activities, Lawrence, is there anything you'd like to add on what you expect to happen two weeks from now at the Council meeting?

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LAWRENCE OLAWALE-ROBERTS: No, not at the moment. There'll be a lot more clarity in the coming week when we have the agenda out. I'm sure by then, by the next meeting thereabout, there'll be quite a lot of reports with regards to what's happening at the Council.

STEVE DELBIANCO: Thank you, Lawrence. So I'll turn to some other activities that are under the purview of Council. Zak and Arinola, is there any progress or questions you have for your colleagues on the Transfer Policy Working Group?

ZAK MUSCOVITCH: Hi, Steve. There's no time to give a comprehensive report but I can give you a flavor of what's gone on recently, which may have be of interest. In terms of registering interest within this working group, there's just us, there's At-Large, and to some degree, there's IPC. The rest of it is mainly Registrars and Registries, of course. So there's a kind of surprise. There was a kind of surprising move afoot when it comes to change of registrant. So when there's a material change to the WHOIS details, the name, the e-mail address, phone number, etc., of the registrant. For some reason, the registrars wanted to get rid of all notice requirements for that. So if the name of the registrant changes, there would be no notice to the previous registrant to the new registrant. You all know that when your personal information changes in one of your online accounts, you always get notice from companies. So I just couldn't figure out why they wanted to get rid of all these notices, and they said

that there's a reduced friction. Fortunately, that idea seems to have gone by the wayside. But there's kind of comparable moves afoot when it comes to change of registrant to remove any ability of the registrant whose domain has been changed to consent to it. So there's no requirement that there be an affirmative action by the registrant.

And they're also looking, I would say. It looks very possible that they want to get rid of any kind of lock on a change of registrant altogether. So previously, it's been 60 days, a lock when there's a change of registrant. And a registrant could opt out of it, provided they opted out before the change of registrant. The BC's position was, well, 60 days might be too long, maybe 30 days. But there should be an ability of a registrant to opt out of it, but by default, there should be a lock to prevent unauthorized changes of registrant. While the registrars seem to want to get rid of all of this entirely, saying there shouldn't even be a policy about this, that if there's a change of registrant, it can be done with no lock, no nothing, no opt-out required, again, to reduce friction.

So I've been thumping the table on every call. So you guys better brace yourselves for potentially big push back from the wider stakeholder community, and even staff kind of said, "The community is going to be shocked when they hear these major changes." So I'm just kind of giving a foreshadowing here that we may be looking at having to do heavy lifting comments when the report is issued. They're aiming to wrap up this portion of it prior to the upcoming ICANN meeting.

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STEVE DELBIANCO: I can see that. Margie has a question, but let me ask you this. Do you think that they will try to come to a consensus call on this topic? Is it the last remaining issue? We would be able to do a Minority Report for more than the working group as a way to front run the comment period later on. Margie?

MARGIE MILAM: Yeah, I'm just hearing Zak. I'm pretty shocked. I mean, that's a registrant protection issue. It certainly seems like if they're getting close to some sort of report, being able to provide a minority statement would be helpful.

ZAK MUSCOVITCH: Yeah. That's what I think we're looking at. So within the working group itself, we'll be able to get consensus, right? But in terms of us having the minority, us, it may be echoed by ALAC, it may be echoed by IPC, we'll be able to, Steve, as you pointed out, get it out there before the comment period. But yeah, surprising. There's a whole kind of attitude, we just want to sell the domain names, right? We don't want any friction. I never thought they'd go this far. Because I wanted to see some relaxing of the locking, etc. But I never thought for a moment there'd be a complete removal of it afoot.

STEVE DELBIANCO: Yes, because if I am a registrant and I want a friction-free transfer, netchoice.org, to someone else, all I have to do is opt out of the lock

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period. So it's in my control. I'm shocked. But will the ALAC join us on a Minority Report, and will the GAC?

ZAK MUSCOVITCH:

I don't know about the GAC. I suspect ALAC might. I mean, within ALAC, from what I understand from following the reports of their discussions, they've got various different views within their group. So I don't know if we can count on it. But certainly, the basic tenor of their position is there should be protections and security for registrants combined with ease of transportability. So if I were to guess, I would say we can count on some degree, if not full support from ALAC.

STEVE DELBIANCO:

Got it. If you start making noise on the calls about potential Minority Report, it'll get the attention of the Registrars. They're not going to want that. So we are already ready to compromise by making it optional and making it 30 days. So you should stay strong and I really appreciate your hard work on this. Thank you.

ZAK MUSCOVITCH:

Everyone, I just put into the chat the link to the working group wiki. You're welcome to listen to the calls and hear me freaking out two or three times throughout.

STEVE DELBIANCO:

Okay. Thank you. Do we have Nenad on the call today? Yes, Nenad, you're on. Do you have any updates since the last time on the

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Community Coordination Group, the item on the screen? Chris, I think the answer is yes. Get it into the Public Safety Working Group agenda. Mason, I would ask you whether your rump groups would also want to take this up too, the other areas that you interact with.

MASON COLE:

Could be. Yes. Thanks. I'll make a note of that. Thank you. Good suggestion. I agree with Chris. PSWG would be a heavyweight weigh-in on that.

STEVE DELBIANCO:

Nenad, we did not hear you so try it again. Still not hearing you. Put into the chat any update you might have for us, Nenad, on number two. RDRS is something that Crocker and I handle. There aren't any new updates since then other than the fact that on the 22<sup>nd</sup> of January after our last call, thanks to Faisal providing some information about a request that was denied. We raised that on the call. Faisal, we did not disclose you or your company's name. We tried to show with actual words the fact that you were not asking about content on the domain, you were asking about IP offenses in the domain name itself. So it's clear that they were either ignoring or did not capture what your issue was. Steve Crocker made several improvements on how to fix the reports that they'd given out. And I pushed hard on clarification because they are confusing the notion of the request type, it could be an IP request, and who is the requester? They really are only confused about it. I believe they're going to probably settle on a request type. Also, staff tried to address why there's such a low number of actual requests when

there are a much higher number of pings for a name. Because you can do a ping on the name in the WHOIS tool that's there. But she believes it's just maybe registrars or registrants who just want to check to ensure that it comes back correctly. It could be ccTLDs, for all I know. But I don't think we have an answer on that. And then I press very heavily on the fact that they need to get more of the non-participating registrars to enroll, and that I asked staff to promise that they would do outreach because they know who those registrars are. They're capturing every request so they know which non-participating registrars and which domain names are going into the abyss. I want to know what efforts they've made. We talked about Kevin Murphy's article in Domain Insight, his article, and the headline will certainly suppress demand for requests because he's indicating that the response rates are awful 10%. The chair even agreed that this is going to hurt us and that we would need to step up our efforts to make it seem worthwhile to requesters. Because right now, even for the registrants that are participating, 80% of the time, they deny the request for disclosure. Not always as blatantly as they did to Faisal's request. But I said with a terrible response rate like that, we should not expect there's going to be a lot of extra demand in the system. That feeds another narrative that there's no demand for WHOIS. Obviously, there's no demand. Hardly anybody's making request so we got to just shut the whole thing down. That's where this is headed. Any comments, questions, suggestions?

FAISAL SHAH:

Hey, Steve, I think Patrick has been probably one of the highest requesters. I think he's on the call. I don't know if... it'd be great to hear from him.

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STEVE DELBIANCO: Patrick, what wisdom can you share either on this call or in writing so that Crocker and I are better equipped to push back on the small group?

PATRICK FLAHERTY: Yeah, sure. So to give you an idea, we started using RDRS probably over the last four weeks, I would say. We got a little delay. We were hoping to use it earlier but it just didn't work out. So we've started using it and some of the issues that we've encountered today are, one, the system itself is quite clunky when it comes to having to submit requests. There's a lot of clicking around that you have to do, and uploading or attachments that you have to attach as you go through the process of submitting a request. So there is this neat feature of creating a template. So we created a template around the Verizon brand. And we've used that to submit it in connection with requests for either domain names that include Verizon correctly spelled or things that we think are close misspellings of Verizon for typosquatting situations. And then we go through the process of submitting that through RDRS. We have submitted, like I said, probably over 130 or over 140. And off that, unfortunately, only 40 have made it into the system. So when you go to submit it, it tells you, first of all, whether or not the registrar is participating. And then if the registrar is not participating, it still allows for you to create the request form and convert it into a PDF and then be able to send that to the registrar directly. If the registrar is participating in the RDRS, then it lets you work your way through the system to completely submit a request, and that's when you run into this issue around attachments. There's a part, for example, where you have to

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certify that you're authorized to represent the brand owner. So this could be me as in house council for Verizon, it could be outside council, it could be a vendor. And then once you click that box, you get another box where you have to then upload your proof that you're authorized, which seems ridiculous. Then you have to attach that proof and check that box every time you submit a request, even if you're using a template, it is not built in. So that's quite burdensome.

We also had this issue earlier on of trying to decide what would constitute proof. There's some language in the box that says, "Attach your POA," or some other legal document like that or words to that effect. So we tried earlier on with a declaration. So I wrote a declaration saying that I was authorized, and that some of my colleagues were authorized here to submit requests, and I got that notarized. But for the stuff that we were getting back, mostly denials, we weren't sure if it was working. So we decided to pivot and we switched to a certification from one of our corporate secretaries on behalf of the brand owner. So it's just a certification document with a stamp and seal from the company, and that does seem to be working.

FAISAL SHAH:

Okay. That's good learning.

PATRICK FLAHERTY:

But of all the ones that we've submitted, 40, nearly all of them have been denied. But we have received five approvals, four actual approvals, and then one called a partial approval, and I don't even really think it was a partial approval or an approval for that matter because—



STEVE DELBIANCO: You said the word approval. Did that lead to actual disclosure that was bilaterally shared with you?

PATRICK FLAHERTY: Yes. So I did get four approvals. But for the partial approval, the registrar simply said, "Oh, if you're looking for WHOIS, you need to file UDRP or serve a subpoena on us." I don't really think that's a partial approval. I really consider that a denial because that's what other registrars say when they deny it. Other registrars, when they deny it, they say, "Oh, trademark issue? Oh no, you need to file UDRP or serve a subpoena on us." Then other registrars like GoDaddy say denied, and then the response or the reason for the denial, "Other information required or other action required." That's it.

STEVE DELBIANCO: I'd like to explore on the next call whether the form of proof that you're authorized is something that the system is intercepting, or does the registrar themselves pass judgment on the adequacy of your representation?

PATRICK FLAHERTY: We don't know that for sure.

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STEVE DELBIANCO: I'd like to ask that question. But I would like to be armed with as much specifics as you can do. I've taken some notes as you've spoken now.

PATRICK FLAHERTY: I can demo it for you. I can show you what it's like inside the system when we use it.

STEVE DELBIANCO: Anything you can provide me, and then you can indicate if you'd like us to reveal or not. Whether it's coming from Verizon, there's really no need for that. Crocker and I can make the points. But if you have suggestions on default checkbox being on or anything about the efficacy, anything you have, could you put it into an e-mail to me and Crocker? We will do it. I think our next meeting is Monday, so over the weekend will be outstanding.

PATRICK FLAHERTY: Okay, yes. Will do. We did share some of this information already with ICANN, even with Sally directly.

STEVE DELBIANCO: She doesn't lift a finger. Sally's useless on this. We have to get through the Council's small team, lean on staff. I'll get the help from ALAC and SSAC on the call, and even the chair, who's Sebastien, is quite helpful. I don't think Sally will do anything. Thank you very much, Patrick. Faisal, anything further?

FAISAL SHAH: No.

STEVE DELBIANCO: Thank you. And SubPro. Is Imran on the call today? He's not. I will follow up with Imran to see if there's an update.

Finally, Commercial Stakeholders Group. I can't believe it's taken this long. I don't know whether we have Marie today. I think we do not. Here's Marie's update, it's on the screen right now. This is the update on the CSG for ICANN79 and 80. Thanks for that correction, Arinola. There are a handful of priorities on our Board Seat, Seat 14. And also looking for a formal procedure to how do we appoint the vice chair in the GNSO Council representing the non-contracted parties. But that will follow after we figured out Board Seat 14.

It looks like we're going to spend one and a half hours when we're together in San Juan, where Mason and Julf will talk for a full NCPH Day Zero that will come later when we travel to Africa. When we talk about coordination, external threats like WSIS and the GDC, these are coordination between us and the IPC and the ISPs, which are members of the CSG.

Then finally, Marie has shared the current draft schedule for ICANN79 in San Juan. That's why we want to get the PSWG to talk about the concerns we raised earlier and get that into the mix for the meeting on the 2<sup>nd</sup> of March, roughly a month away.

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Mason, that's all I have for the policy calendar. I do have a tiny little report we could get from Tim but it may not be necessary. All he did was report that the bank balance is \$115,000 and two new members are being onboarded right now, Jeff Gabriel of Saw Technologies and Mark Daniel of Domain Holdings Group, LLC. Back to you, Mason.

MASON COLE:

Thank you, Steve. Members, any updates, comments, questions for Steve, please, either on the policy calendar or on the brief report from Tim?

Zak, I see your question in the chat. "Can somebody share a draft of the San Juan schedule?" It is not available. It won't be formally available until a couple of weeks before the ICANN meeting. I do have a draft block schedule that I can send over to you, which I will.

STEVE DELBIANCO:

If you can send it to the entire BC-GNSO.

MASON COLE:

Sure. Okay. All right, we may have an opportunity end a bit early here. Is there any other business for the BC this morning, please? Okay, no hands. All right, everybody. Our next meeting, as you see on the screen, is 15 February at our normal time. That I believe is our last meeting before we convene in San Juan, Puerto Rico. Is that the case, Brenda? I believe it is.

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BRENDA BREWER:                    You are correct, Mason. Yes.

MASON COLE:                    Okay. Thank you. So it'll be important that we get as many members on that call as we can so that we can adequately prepare for San Juan which is going to be a week long, very busy meeting as you just saw from Steve's update from Marie. So we have a lot of business to take care of in San Juan, it would be good if we are on the call on the 15<sup>th</sup> so that we can make our preparations.

All right, if there's no other business, then we will see you on the 15<sup>th</sup>. Thanks, everybody. BC is adjourned.

**[END OF TRANSCRIPTION]**