
BRENDA BREWER: Good morning, good afternoon, and good evening. Welcome to the BC Membership call on the 25th of February 2021 at 16:00 UTC.

Today's meeting is recorded. Kindly state your name when speaking for the record and have your phones and microphones on mute when not speaking. Attendance is taken via Zoom. Mason, I'll turn the call over to you. Thank you.

MASON COLE: Thank you very much, Brenda. Good morning, good afternoon, and good evening, everyone. Mason Cole speaking here, chair of the BC. Thank you for joining the BC Members call on 25th February. As usual, we have a crowded agenda. You can see it on the screen that Brenda has put the slide up. Are there any additions or amendments to the agenda that anyone would like to add right now? All right. I see no hands. Therefore, we're going to dive right in. We're going to go to item number two, which is our policy discussion. Steve, over to you, please.

STEVE DELBIANCO: Mason, can you hear me?

MASON COLE: Yes, sir. We hear you.

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STEVE DELBIANCO: Fantastic. Displayed on the screen right now is the Policy Calendar, which I updated about a half an hour ago because Waudo had a couple of extra items about the CSG meeting with the Board members representing the GNSO and he also had some interesting updates on Universal Acceptance.

Since our last call, the only thing we've done new is that on the 15th of February, we commented on ICANN's very extensive draft Operating and Financial Plan for the next five years and the next year's Op Plan and Budget. Tim Smith and Lawrence did a fabulous job drafting this with lots of help from Jimson, Tola, and Kileo. So thanks again for getting that in. I have a feeling the BC's comments will probably be among the most comprehensive that ICANN receives.

All right. Jumping over to the items that are open public comments. So I want to cover this very quickly. We have a comment period on the second Security, Stability and Resiliency or SSR2 report. That's not due until the 9th of March but it's coming up soon. So far, we have Jimson Olufuye volunteer on that but it would be great to get another BC member to help with this now. We did file comments in March of 2020 so we already have something to build on, and it would be great if someone else would volunteer to help Jimson on this as well. Can I get another volunteer? Waudo, do you think you could help Jimson on that, and Mark?

WAUDO SIGANGA: Yes. I'll jump in and help Jimson.

STEVE DELBIANCO:

And Mark Sv, thank you because there's a lot in it too.

Okay. Moving on to the next one, which is the IANA Naming Function review. This is a very short comment. I'm not going to look for volunteers. I would look for your consent for us to support the amendment. It is seen as and recommended as a technical amendment to the contract that ICANN has with the IANA Naming Function. What they're trying to do is take out something that they believe was a leftover from the 2016 transition. It isn't practicable anymore. Any objections? Great. Seeing none, I'll go ahead and file that. Mark, your hand is up, too, or is that with respect to volunteering? Thank you.

All right. Next item up is the EPDP Phase 2 policy recommendations. This is where the Board wants to know about EPDP Phase 2, which is very different than the Priority 2 items we commented on. So this is about the Phase 2 final report where we had several items we supported and several we did not support. This is square in the middle of the debate we're having over the SSAD, the Standardized System for Access and Disclosure. So I think that it would be great to get some more volunteers to help John Berard who put his hand up last time. These comments don't close for about five weeks so plenty of time to get it done. Who else can support John Berard on that? Again, this is the SSAD. I know that—

WAUDO SIGANGA:

Hi, Steve. I'm also interested in that one.

STEVE DELBIANCO: Okay. Thank you, Waudu.

ANDY ABRAMS: Hi, Steve. I can help as well.

STEVE DELBIANCO: Andy and Waudu, thank you. John Berard on the call today? I don't see him but I know that he said he would get started this week. Again, we're working off of our minority statement, which I have indicated right there in the Policy Calendar. So we grab that minority statement which we just filed a few months ago, pull that forward and specifically answer the Board's questions on this.

All right. Next up, I'm going to be turning to Ben Wallis to discuss the European Commission's requested feedback on the NIS2 Directive. So what we have here is a feedback period that closes on the 18th of March and their directive includes what could be some very helpful information for us to show that there is going to be a legal requirement for the disclosure of information with respect to legal persons/non-natural persons. So there's a lot of excitement about this and Ben has a huge team of volunteers, which is fantastic because you've been joined by Barbara Wanner, Brian King, Claudia Martinuzzi. We have Claudia Selli, Denise Michel, Drew, Margie, Marie, Mark Svancarek, Mason, and Nick all working on that. So update from Ben is indicated here in yellow. What we'd like to do today is a handful of slides that I will display for Ben, and then, Ben, you walk us through then tell us when to move on, and then let's have a discussion so that we can get this circulated from member review probably later this

week. So at that point, I will switch to the slides that you have, Ben, and now you're up.

BEN WALLIS:

Thank you, Steve. Hi, everybody. This first slide is—that's the second slide, yeah. NIS2 is about Network Information Systems and the security of them. The law was first passed in 2016 and the European Commission is proposing revisions to the law, including a new article related to the management of and access to WHOIS data. So, as you said, we've got this great drafting team. We've been working over the last two or three weeks. We produced a draft document. I'm going to circulate it after the meeting to kick off the formal BC comment period. Next slide.

So the comment's unusual for the BC because it's directed outside of the ICANN policy development process. The first page of the document that I'll circulate explains to different audiences that we're targeting and the different timelines for those two audiences. So I think it's worth taking a little time to briefly explain the legislative process that we are trying to influence. Back to the second slide.

If you look at the diagram down in the corner, European Commission is up on the top. They're like the Civil Service. They draft and propose legislation. And then it's the two bodies at the bottom that the council represents national governments and the parliaments whose members represent [citizens]. They're the ones that decide on the final text of the law. So the Commission is seeking input on the draft law. They're going to summarize and share what they receive with the legislators. They could also draw upon the input when they advise legislators of the

intent behind the draft legislation, of the potential impact of any amendment. Given that it was the Commission that drafted Article 23, they obviously have a very good understanding of what WHOIS data is. Therefore, our submission to the Commission will be quite detailed, describing specific amendments that we would like to see.

All submissions are published so that's the public submission that we can share with the ICANN Board. The legislators will be less familiar with WHOIS data, and so we're therefore working on a separate position paper that's high level and more educational in tone. We'll send that to a selective list of the key players in the process in both the parliament and the council. We will offer them advice, information, answer questions, etc.

Finally, the document includes specific proposed amendments from the BC document that I'm going to share later today. It includes specific proposed amendments to the draft law. These are set up in a format that is used by the legislators.

So we're going to deploy those amendments at the appropriate stage of the legislative process. We don't want to throw them at the legislators already when they haven't really got to Article 23, but later in the process. It might be early summer or the autumn. But we include those amendments in the document for the BC's approval so that we can have them ready to deploy when the time comes. Okay. The next slide, please.

Just to talk about the focus of the comments in the document that you'll get later today. At first, I would just want to note that the new draft

provisions are unbalanced, very positive for those like BC members who have legitimate needs to access WHOIS data. Our input makes that clear but it also highlights some areas of the law that could be clarified or strengthened to make sure there aren't any loopholes or ways to kind of circumvent the law.

So these first two bullets will be "The law's first two entities providing domain name registration services for the TLD." We think this does capture registrars but we're concerned that it might not be interpreted to capture domain name resellers. We also don't think it captures the role that privacy and proxy service providers play and, of course, the significant proportion WHOIS data is provided by them. Then we proposed text in a number of places that we've made sure that the law captures all of the various entities that provide various domain name related services.

Ensuring timely access to WHOIS data. We're concerned that the wording in the draft law without undue delay is vague enough that the data won't be published or provided sufficiently quickly to deal with some of the very time-critical purposes like cybersecurity investigations, which the data is needed. So we're therefore proposing a specific 24-hour time limit with no delay or impediment to publish new WHOIS data or to respond to request for the data.

Finally, we think a lot of the issues around the over-interpretation of the GDPR can be solved if the law explicitly states that access to WHOIS data serves the public interest. This is already helpfully stipulated in a Danish law on the Danish ccTLD and it would be consistent with the

spirit of Article 23. So therefore, we're proposing an explicit recognition of this public interest in Article 23.

Just to conclude the last slide, this is the timeline for the BC. Actually, I'm think I'm going to be able to send the BC comment out today but we'll still have the comment period open until next Friday. So bonus day, if that's allowed through [rules]. I'm very much looking forward to written comments on the document. If you have questions—I don't know how much time we have today to get into the detail—I'm happy to fill questions, Mason and I, but you can certainly e-mail both of us with any questions as well, if that would help you understand the BC comments and help you think about how you might want to add to the BC comments at all. Thank you, Steve.

STEVE DELBIANCO:

Thank you, Ben and the entire team that's working on this. This would be a great time for BC members to ask questions or make suggestions to the team. Looking for hands.

I'll start you off with a question that I raised and have discussed with Brian, with Mark, and with Margie, that my reading of it would still allow a registrar to claim. Oh yeah, it's a legal person. It's a corporate entity that registered the domain name but the e-mail address that's in here is personally identifiable information. So I'm not going to publish the registrant e-mail because it's personal even though the registration is a legal person and it's not covered by GDPR. I mean, we've been over this a thousand times and every time I read the NIS2 draft, I feel like it's not really definitive on that. What are your thoughts on that, Ben?

BEN WALLIS: I'm going to leave space in case Mason wants to intervene because he's been closer to the detail. I think you're right in that it does distinguish it requires publication of data, which is not personal data. I think that's maybe something that in the drafting team we accepted that distinction but if that's something we should push against, I'm open to that. Mason, do you have any comments?

MASON COLE: No. I agree with what you just said. There is room for BC members to comment on this. So I would look forward to that too, Ben.

STEVE DELBIANCO: Mark Svancarek, go ahead.

MARK SVANCAREK: Melina Stroungi who's from Digiconnect and, actually, we just discovered today that she's the one who drafted Article 23. She's on the GAC now. Feedback from her is that this is really sort of an absurd interpretation of what is really an edge case and that this is something that people should not be worrying about. They should be focusing on the main case and not the edge case. So we should continue to push that in our comments and we will find encouragement for that pushback within the Commission. Thanks.

STEVE DELBIANCO: Thank you, Mark, Ben, and Mason. It might be that we then in our comment suggest that we assume that they mean that all information on a legal entity registrant would be published and that we're assuming that there won't be any edge case interpretation to suggest that they won't publish it because it's potentially traceable to personal information. If we want to state that that's the assumption and therefore not seek an amendment to their language, that might be just as good. Looking for other hands, BC members.

Drew Bennett mentions in the chat, Ben, that perhaps in the recitals. I'm not sure I understand what's meant by that. Do you?

BEN WALLIS: Yes. The law has articles which are the operative provisions that require action and they have recitals which explain the intent behind the articles. So it can be easier to get text added to the recitals and instead they're also useful because they explain the intent and they kind of get around things like they explain what the assumption is. So as Drew says, we could articulate that assumption in an edit to the recital, as well as stating it in our position papers we could suggest specific amendment to the recital, which hammers that home and makes them reflect on that. So yes. Thank you.

STEVE DELBIANCO: All right, Ben, I don't see any other hands up. So if there's anything else you'd like to add?

BEN WALLIS:

No. I might get back to you just to make sure I understand exactly what you're after and I get the wording correctly. So we might come back to you with some suggested wording for you to check. But yeah, very much welcome any questions or comments by e-mail. I'll be sending this out later this morning my time. Thank you.

STEVE DELBIANCO:

Thank you, Ben. When we do, we're going to want to Reply All so that everybody sees what other BC members are suggesting for edits and gets to see your reaction. I appreciate that so far you've kept it to the drafting team, just about half the BC members, but from this point let's get everybody else engaged. I truly appreciate the professional way that you've handled all these and you really just tee up the BC to be able to comment and inform us outside of ICANN on something that's completely relevant to us. We have very little success so far in Council or in the PDP. I hope is that the European Commission can come through and clarify an over-interpretation of WHOIS. Thank you, Ben.

All right. Staying on the topic of modifying WHOIS policies with GDPR, we did another prep call yesterday but we did not have an EPDP call today. It was cancelled because the Legal Committee, a subset of the PDP, is continuing to meet and discuss that. Did we have anybody on the call today that was part of that Legal Committee yesterday? Margie? I don't actually see Margie.

MASON COLE:

Margie is not on the line today.

STEVE DELBIANCO: Okay. So we didn't have anybody to report on that call.

MARK SVANCAREK: No. She posted something in Skype this morning. So for everybody's information, one of the issues that we've had both in the EPDP and in the Legal Committee is this working assumption or this assertion put forward by various members of the Contracted Party House as well as the Non-Commercial Stakeholders Group the NIS Directive Article 23 is intended to be sort of a suggestion or a directional, not something that would really result in obligations or fines. Therefore, they have felt that they ought to postpone any policy work that depends on it and not try and get out in front of it. This is of course very frustrating to us because we're staking a lot of our hopes on Article 23. And apparently, this morning Margie says, "Interesting in the Legal Committee call now Becky Burr is conceding that we'll need to consider an NIS2 legal question." So that's some sort of a turnaround. Becky Burr is our liaison there. She should have been discouraging the Contracted Party House from going down that path but apparently no. I think she is realizing that she does need to discourage them from thinking that way. That's the only news I have from the call this morning.

STEVE DELBIANCO: That's big news, though. Becky Burr was elected by the Contracted Party House. She has most of her career worked for contracted parties. She's a very bright lawyer, too. So I think that's really helpful. Really helpful.

MARK SVANCAREK: I think it's a promising turn, yes.

STEVE DELBIANCO: Keep in mind that the Contracted Parties could claim that even if NIS2 requires the publication of non-personal information for legal entities, they could claim that the current policy that ICANN has allows that. It doesn't require but it allows it if applicable law requires it. That really wouldn't get us very far because then it will only be done in nations that adopted the NIS2 in their national laws. So I think that what we would seek is a policy change, not just a policy that allows but a policy that requires. Do I have that right, Mark?

MARK SVANCAREK: That's correct. But it would still be a step forward. What we saw is that a contracted party would prefer to have one implementation, not multiple implementations. So if they're forced to do something in multiple regions, I think they're going to probably do it in other regions as well. That's just a guess. I mean, certainly it's going to be a more complicated set of considerations on their part as to legal risk and technical cost. But even a splintered approach would be better than what we have right now.

STEVE DELBIANCO: And keep in mind that back when GDPR was implemented, the contracted parties argued for a global application of the GDPR because they didn't want to splinter their technological approach.

MARK SVANCAREK: Right. So this is the flipside of that. Right.

STEVE DELBIANCO: Okay. All right. Let me go to channel 2 which is our support for our councilors, Marie and Mark. I have a description here, Marie and Mark, because I know you haven't had a meeting since our last one. It was 18 of February. So go ahead.

MARIE PATTULLO: Hi. Thanks, Steve. You're making me feel guilty so I'm going to switch on my video.

STEVE DELBIANCO: There you go.

MARIE PATTULLO: I actually have a face. Okay. First up, I'd like to remind everybody that tomorrow—this is not Council-related, this is back to Ben's point—the ICANN Brussels office and the European Commission have a stakeholder session. It's going to be about the NIS2. It's going to be about the DSA, that's the Digital Services Act. There's a lot happening at European legislative point of view at the moment. So if anyone can sign in to that, please do. I've already sent you out the details. If you need them again, I'm very happy to send them again. It's tomorrow afternoon from 15:30

until 18:00 UTC. I think it's very important that we will be there. Thank you so much, Mason. That's wonderful. Thank you.

The next is that Monday coming we have a meeting which ICANN calls the Strategic Outlook Trend meeting. Now, Mason, Mark, and I have to be there. Steve put the briefing paper into the chat for you. So roughly what it is is we get together and we talk about what we think the trends are for the upcoming period. You'll see in the briefing paper there are five buckets, if you'd like: security, ICANN's governance, the unique identifier system, geopolitics, and financials. So on behalf of Mason, Mark, and myself, have a quick look at that. Feed us if you think there's anything that you would like us to bring forward as trends that you think ICANN itself should be focusing on. That would be very, very useful.

The other point I'll raise is Steve put all of the stuff on the SSAD in the chat. Now, on Monday—my Monday evening—we had a chat between Council and the Board about everybody's favorite SSAD. There wasn't an awful lot of what I would call concrete stuff that came out of that, but if you look at the brief mention that Steve put in to the chat, I would boil it down to—okay, so Council adopted something that had loads of minority statements in it and sent it out to the Board to put into effect. We're not quite sure how much that's going to cost and nobody knows quite where to go next. The various speakers from the Board, led obviously by Göran, were really focused on the fact that policy is Council and operation is Board, etc. A lot of talk about the Operational Design Phase and how terribly important this is despite the fact that it has not yet been given to us in concrete terms. So we're not quite sure what this infamous ODP actually is or how it will be rolled out. A lot of chat about okay, so many people hate this concept, the SSAD. What's the

point in going forward in doing something so incredibly expensive that nobody will use?

That, in essence, is what the call discussed with no outcomes. We understand that the Board is going forward with its ODP, its Operational Design Phase. How, when, deadlines, [content] heavy, I don't know. The call was a little bit frustrating from my perspective. And under your authority, Steve, I now pass over to Mark. He has something else that he wants to talk about on Council. Thanks.

STEVE DELBIANCO: Go ahead, Mark.

MARK DATYSGELD: Thank you very much, everyone. Unfortunately, I suppose I'm off-cam right now but sending you vibes, making funny faces.

Here's what's going on in a particular aspect of the Council. John from the IPC, whose surname I can't pronounce, he raised the question of DNS abuse. Marie and I started talking with the Council, to kind of [feel] in the room, and I think that within this particular configuration of the Council there's not a lot of animosity around the subject and at least it seems like it. At the same time, there are people who are actually interested in DNS abuse. The only thing that happened was that the Registries in the form of Maxim came and said the same thing that we've been hearing for the past few years that there's no definition of what DNS abuse is. I think it's a fantasy that they lived on long enough.

It's about time that we get over that one. They can't just repeat that every time and somehow think that this will fly.

So my question is—and I know it's a broad one so sorry about that—but what you guys want us to do? I see an opportunity there as the policy process starts to wrap up, we have SubPro wrapping up. According to SubPro, DNS abuse is a low priority. It's still there but it's considered a low priority according to SubPro. That's Jeff. Here's the thing. There is an opportunity for us to start advancing this but I don't know how exactly. Mason did mention this would not look good as a PDP. I agree with that but at the same time, not having it in the Council at all or at least in motion in a more systemic way, I also think that's bad because then we end up in the situation where they can just claim ridiculous things like there is no definition. Steve is being very helpful in posting some definitions and Mark Sv is commenting there's a ton of definitions. Exactly. We need to focus on those instead of saying there's none. Either right now during the call if you want to bring this up or via e-mail or however else you prefer, I guess let's get this discussion started. Because I'm very willing to move this forward, I think Marie is as well. Maybe Mason has something to pitch in being the DNS abuse guy. So I will defer to him. Yes, Mason?

MASON COLE:

Thanks very much, Mark. I just wanted to alert the BC that actually just a few minutes ago, coincidentally I got an e-mail from Keith Drazek from Verisign who is also serving as chair of the EPDP group. But he is contacting on the issue of DNS abuse and letting me know that the Contracted Party House has formed a DNS Abuse group and is

conducting some outreach to their friends in other SOs/ACs, stakeholder groups, and constituencies regarding abuse. They've started regular meetings on this and are inviting us to participate in some of those meetings to help answer some specific questions.

What I'll do is I'll forward this out to the BC after the call today and look for some volunteers who might be willing to step into a discussion with the Contracted Party House. I think that would be a productive use of time, although I know that we differ in our definition of what abuse actually is with the Contracted Party House. But whereas we've been at loggerheads with the Contracted Parties for some time now, I welcome the outreach and I think it's an opportunity to try to actually get something productive done on DNS abuse. So, again, I'll send that out after the call today. But I just wanted to highlight that, Mark. So back to you.

STEVE DELBIANCO:

Mark Sv has his hand up.

MARK SVANCAREK:

Thanks. The timing of Keith's outreach is interesting because there's two things that are happening that I'm aware of. One is that Graeme Bunton is now—I don't know if it's a full-time gig or not—but PIR has started some sort of DNS Abuse Foundation or something like that, DNS Abuse Alliance. I'm not sure what the actual purpose of it is. But it's some sort of a group to work on DNS abuse and I would imagine that it would serve a political function as well as a practical function. But also, I hear that Digiconnect is sponsoring some DNS abuse research right now.

I'm sure that if I've heard of it, they've heard of it. So possibly, they just want to get out in front of that so that could be seen as cooperating with Digiconnect. It's worth keeping an eye on.

STEVE DELBIANCO:

Thank you, Mark. I put a link in to the chat to the announcement of the DNS Abuse Institute that Graeme Bunton—and it is a full-time position for him—and it is building on what was developed by PIR and others in terms of a framework, to recall the framework that came out. I'll put a link to the framework in the chat as well. And you'll want to look at the framework to see its burgeoning definition of DNS abuse, which includes the kind of malware phishing, pharming, and then spam is unsolicited mail, where that is used to distribute botnets, phishing, pharming. So it's not a terrible definition, it gets us a long way down the line. But there are multiple definitions, Mark, and you're going to need to draw from multiple sources. But sometimes it's easier to ride a horse if you go in the same direction the horse is going. And if CPH and the DNS Abuse Institute already have a definition in the framework, see if we can get behind that. See if it's broad enough.

Mark Svancarek, hand back up, and Mason.

MARK SVANCAREK:

I agree that if you ride the horse in the same direction, it's going to be a lot easier. I had made some outreach to the Contracted Party House, I don't know, months and months ago, saying, "I think the DNS abuse framework that you all are working on is a really good start, and I look forward to working with you to take it to the next level." What Graeme

told me is, "Don't hold your breath." I mean, those were his exact words. He said the Contracted Party House has now coalesced around this definition and it's going to be impossible to change it. I think it's interesting that they've now created this new institute outside. Perhaps that's seen as a way that they can advance the discussion without breaking the alliance that they've already formed around that previous definition. I don't know. Worth looking at.

STEVE DELBIANCO: Mason?

MASON COLE: I agree with Mark Sv. I applaud what the Contracted Party is doing, taking a proactive stance on DNS abuse. I mean, there's definitely a PR element into this, though, that they're wanting to be seen to be out ahead of the DNS abuse issue and not be forced to do something by ICANN or by regulatory authorities. I welcome what they're doing. I want to approach this carefully. But I think we should be proactive on our part, join them where we can and push them where they deserve to be pushed.

There was a suggestion in the chat just a minute ago. I think it's from Chris, about inviting Graeme to present to the BC. I would welcome that idea. And with the BC's permission, I'll follow up on that.

STEVE DELBIANCO: I think it's a great idea. Graeme is a very nice guy, easy to work with too. Any other items from Council, Mark and Marie?

MARIE PATTULLO: I don't think so, Steve. But of course, as always, we're both happy to answer any questions.

STEVE DELBIANCO: All right, I don't see any hands up. So I'd like to turn to Waudu, if you're feeling okay. I know you were a little under the weather this morning.

WAUDO SIGANGA: Yeah. I think I'm okay, Steve. Thank you. You can hear me?

STEVE DELBIANCO: We do. Thank you. Go ahead.

WAUDO SIGANGA: This is Waudu, CSG liaison. I'll just try to be as quick as possible so that I can fit into the five minutes. Right now, the CSG is busy with the ICANN70 meetings. We have three meetings, of which one has already been held on the 18th of February. It was open to BC members and I saw some of you managed to attend. Thank you very much for that. ICANN Org prepared the summary of that meeting. We have attached it to the latest notification that was sent out by Steve, for those of you who like to review that.

Several issues were discussed in that meeting. Maybe I can just mention one that's of particular interest with the BC because it was actually fronted and highlighted by the BC. And that was the issue of

non-enforceability of PICs, the Public Interest Commitments that are made by the Registries. It was of concern to the BC. As the SubPro team was doing its work, there was some indications from the Board that ICANN Org might not be having the capability of enforcing PICs. The PICs are important for the registrants, including the business registrants because some of the decisions to take up domain names are made dependent on what the PICs that are associated with certain registries. So if those PICs are not enforceable then it doesn't make sense for the PICs to exist. So this issue was raised in the meeting and the Board members brought up clarification that they were actually not suggesting or confirming that the PICs could not be enforced, but rather they were trying to nag the SubPro team to ask questions and come up with some answers on PICs in any subsequent round. For that particular issue, there is no further action required from the BC. In fact, for this particular meeting, there is no subsequent follow-up from the BC.

The second meeting is yet to be held, that will be on the 16th of March with the full Board. As Steve has indicated in the notification of this particular meeting, we have a deadline of Friday, 26 February, that is tomorrow, to present questions that will be given to the Board in that meeting. So if you have any questions, you can forward them to either Mason, who is the alternate person for the BC in the CSG, or to myself.

Just as an indication, some of the topics that have already been brought up that we will be presenting to the Board include the Operations Design Phase, that's the ODP issue. I think a colleague also mentioned it from the GNSO councilor. Then we also mentioned the holistic review implementation of recommendations from ATRT3. We are also planning to talk to the Board about the legislative proposals coming out of

Europe. Also talk about DNS abuse and also talk about ICANN Org's Financial Year '22 draft Operations and Budget Plan.

So the BC, we are requesting any more questions that you might have, you can have them by tomorrow. Perhaps if we had some questions regarding the Interisle study that was done for the BC, that could be interesting. So please think about that and come back to myself and to Mason by tomorrow.

Then we have a third meeting for the ICANN70. This will be the CSG Open Meeting, scheduled for March 23rd. A notification will be sent out for that one so that you can be able to attend. We have invited Göran to that meeting. So we'll also require questions from yourselves in case you have some questions that Göran can answer regarding ICANN Org. Secondly, we have invited an expert on something called Universal Acceptance, and we'll also request you to come up with any questions that you wish to be answered in that discussion. To make that easy, I think Steve has attached some links that explain this concept of Universal Acceptance. So please look at that beforehand and let us have any questions that you might have on these topics so that we can make the whole session of the open meeting as interesting as possible. I think that's all I have for now. I yield back to Steve. Thank you.

STEVE DELBIANCO:

Thanks, Waudu. Any questions from BC members for Waudu on the CSG report? All right. Waudu, thank you for circulating that material. That wraps up the Policy Calendar portion. Mason, back to you.

MASON COLE: Thanks very much, Steve. Brenda, if we could have the agenda back, please. Thank you, Brenda.

All right. We have now covered items two, three, four, and five on the agenda. We'll go to item number six right now, which is the Operations and Finance Support from Lawrence. Lawrence, please go ahead.

LAWRENCE OLAWALE-ROBERTS: Thank you, Mason. Good day to all the members. I will start my report with the open ICANN community announcements. First, we have an announcement with regards ICANN70's Prep Week. This is in two weeks' time. It's supposed to hold from the 8th to the 11th of March. And of interest in what some of the topics that we might find interesting for the BC, there are going to be sessions on planning updates, the GNSO Council Policy updates. NomCom review should be one that we shall have our voices heard. Reviews and implementation updates will be coming up on Contractual Compliance and a few others. We would need to register for the meeting to be able to attend these events. But I would like that members please put this on your calendar and also intervene in places where our interest is at stake.

For the coming month of March, because it is the month where we are having the ICANN meeting, there is our BC Open and BC Closed Meeting will not be following the normal convention in terms of meeting dates. The BC Closed Meeting will hold on the 18th of March. That will be our very first meeting for that month. Tuesday, the week following, we have the BC Open Meeting already scheduled, which will be the 23rd of March. Right after this meeting, I'll be sharing on the BC private list our

schedule of meetings for the rest of the year. And this will be followed up with calendar invites from the secretariat.

The ICANN leadership positions are still open. In fact, the Nominating Committee extended the deadline for submission of applications until the 29th of March. And so there's still an opportunity. I'm not sure if NomCom reps, Tola or Scott might want to say a thing or two about what's led to this. Hopefully, I think it's just given more opportunities to have more applications come into the pool. Tola or Scott, if you'd like to say anything, please let me know and we'll yield the floor to you. Okay, so I'll go ahead. Second item is the membership—

WAUDO SIGANGA: Lawrence?

LAWRENCE OLAWALE-ROBERTS: Yes?

WAUDO SIGANGA: Just a quick question. What main openings are there on the NomCom?

LAWRENCE OLAWALE-ROBERTS: No, not on the NomCom.

WAUDO SIGANGA: I know it's not on the NomCom. I mean, for the NomCom to select. Are there Board openings? Are there GNSO openings? What is there?

LAWRENCE OLAWALE-ROBERTS: In this round, there are three openings for the ICANN Board of Directors, three regional representatives.

WAUDO SIGANGA: What are the restrictions for those ones? Do you know? Just quickly.

LAWRENCE OLAWALE-ROBERTS: For the ICANN Board of Directors, I don't know what the restrictions are, if you're talking about limitations.

WAUDO SIGANGA: Like regional and so on and so forth.

LAWRENCE OLAWALE-ROBERTS: I'm sure everybody's open to apply. But there'll be considerations for places or regions that don't have up to five sitting Board members from that same region. So if there's a region that already has up to five Board members, definitely they won't be eligible to have any additional seats. But for regions that are less than five—Africa, Latin America, Asia Pacific—those regions stand a high chance because they have just about one or three members on the NomCom.

There are also three ALAC seats to be filled. One in Africa, one in Asia, and the other for Latin American and the Caribbean region. Two members of the GNSO Supporting Organization Council, these are the voting. These are seats for the voting reps, one in the Contracted and

the other in the Non-Contracted Party House, while there will also be a slot for this one member of the ccNSO. I'm sure if we have any further questions, please let's consult with our NomCom representatives. And we also have Jay Sudowski who is also a member of the BC in the current leadership. I'm sure he will also be able to provide some further insights.

With regard to new membership, we don't have any new membership for now, and we'll be reaching out to a few of us. Thanks for the very high compliance in terms of payments so far. The top item in Finance, to date, we have had to only service commitments with regards the Interisle study and BC ex-officers talking [inaudible]. So spending is not so fast. Even leading to ICANN70, the only commitments that we have ahead of us is our dues to the designer of the BC newsletter. It looks like we will still be maintaining a very low spending.

We have a very healthy balance. The ExCom has given authority and placed \$60,000 USD as a BC reserve fund. So that will not be recognized as a balance in our books going forward. But even with that, right now, we still have a little over \$16,000 available for our operations and meeting needs as the need arise.

The next item that I have on the Operations, the BC want to announce that ExCom has considered carefully and made a decision to set up some additional ad hoc committees. So unlike the Credentials Committee and the Finance Committee, which are statutory committees in our charter, this committee, depending on how they perform and the events that may happen, could be overtaken by events and found are not to be needed any further.

But right now, we are looking at four committees. First one we are looking at is the Communications Ad Hoc Committee. Their responsibility basically will be to communicate everything of interest to the BC at large to the public. We intend to use e-newsletters as one format. This committee will have to do a lot around development of content. We believe that for new members joining the BC, our e-newsletter will be a good way to showcase who they are, it will be a good way to also showcase existing membership and what they're doing, and issues that are very close to our hearts. We intend to start with at least a periodic e-newsletter that will be circulated to stakeholders and the wider public. The Communications Committee is also expected to feed our digital, that's the website and social media handles with information leading up to ICANN70, for instance. If we had this group in place, we will now begin to see issues that we'll be talking about discussions, the BC Open or Closed meeting put out there.

Another committee that we are looking to have as an ad hoc committee is a Website and New Media Committee. Basically, what the Website and New Media Committee will help to do is to ensure that our social media handles are updated and also help with the kind of information that should be posted on the website, how it should be posted, the frequency, just ensuring that we have some more wider publicity, so to say.

We are looking at setting up a Recommendations Working Party for the Interisle study, a group of subject matter experts who will help draw some key points from that study that could be communicated as action points to the Board, to the GNSO Council, things that the BC itself can implement and the wider community.

Also we are looking at another working party on ICANN land and community onboarding. This is a group that we hope can build courses and the information that will go into the ICANN land platform for newcomers and people new to the BC to get some more information about who we are and what we're doing. Very important to note is that the charter in Section 2.6.4 spells out how the BC should go about setting up committees.

I'll just quickly read this out, "Establish additional committees or working groups. The ExCom acting on its own upon the request from a Business Constituency member at his sole discretion or post to the membership the establishment of additional, temporary, or permanent committees or working groups. The executive committee shall post such a proposal to the private list. The proposal will explain the need for an intended purpose for this group, describe group formation criteria, participation, and eligibility requirements, functions and procedures. Stated date not less than 30 days after the proposal is posted of which such groups will be formed. If three or more members request in writing on the private list that is a decision to create a new committee or working group be put to members vote, the Executive Committee shall conduct a vote in accordance with the procedures set forth in 6.1. Volunteers, the EC, Executive Committee, will direct the secretariat to post by private list a call for volunteers to serve on newly created committees or working groups before the first meeting is scheduled."

So right after our meeting, I will post this to the BC private list. That's about it for me. We have advanced work on the BC newsletter. I want to thank everyone who contributed stories towards this production.

Thanks a lot. I would want to take any questions at this point or else yield the floor back to the chair.

MASON COLE: Lawrence, it looks like Waudo has his hand up.

LAWRENCE OLAWALE-ROBERTS: Yes, Waudo.

WAUDO SIGANGA: I'm sorry. I think it's an old hand. Sorry.

LAWRENCE OLAWALE-ROBERTS: Okay. Thank you. I yield the floor back to you, Mason. Thank you.

MASON COLE: All right, Lawrence. Thank you very much for that comprehensive report. If members are interested in participating in the new ad hoc committees, they should follow up with you directly, correct?

LAWRENCE OLAWALE-ROBERTS: Yes, they can.

MASON COLE: Okay, very good. All right. It might be worthwhile, Lawrence, for you to put together an e-mail outlining the new ad hoc committees for BC

membership, just so that everybody has the criteria and the description in their inbox.

LAWRENCE OLAWALE-ROBERTS: We'll do that.

MASON COLE: Okay. Thank you very much. All right, five minutes to go in the meeting, ladies and gentlemen. So we're on item seven now. I'd like to open the floor to any issues that any BC member would like to raise that hasn't been covered in the meeting so far. Mark Datysgeld, go ahead.

MARK DATYSGELD: Very briefly. My call skipped a little bit when Lawrence was speaking so I don't know if he touched upon this. But Lawrence did talk on the list about new BC domains. I think it's good. The one we have right now, it's very American, I think, in the sense of North American. I think this is a good pivot. But I'm wondering how we are looking to this in the broader scheme of things. What do we think about—are we looking towards changing the domain representation of our domain name? Is this an alternative? Should we vote on this? Should we ask the ExCom? It's a good question. For those of you who didn't see our post on it, which unfortunately, it is with PIR, but what are you going to do, right? I'm more opening a question of what do you want to do. Do we want to have it just as a backup to migrate?

MASON COLE: Lawrence, would you like to follow up on that?

LAWRENCE OLAWALE-ROBERTS: Sorry, my connection drops and just got reconnected back. So the bit very much I got, Mark, this is still under discussion so it wasn't part of my presentation. We're still having to make the necessary findings, especially on how we intend to use it. But since this wasn't presented, just to give membership a sense of where we are, we're currently looking at the possibility of rebranding our online identity and in getting this done, we're looking at a domain name such as icannbc.org. Aside from integrating those closer into the Business Constituency, it's supposed to be a whole lot easier to memorize and making it easier to find the BC for members and even new prospective interest. When eventually we iron out all the details of how this will evolve, particularly in my own personnel view, I think it will become the front facing domain for the Business Constituency powering our communications and everything that we're doing going forward. There are some questions we've planned based on their response, then bring the feedback back to ExCom, which will help in our decision making, and then we can now make a proposal to membership to know how we will go around this.

So, Mark, it's still a work in progress. I'm sure that before our next meeting, we'll definitely have a lot concretized with regards to this. Thank you. I don't know if I answered all your questions. If I didn't, please raise any points that you need an answer to.

MARK DATYSGELD: No, you did. I think this is a process that should definitely be expedited. I like the idea a lot. I think we should get a bigger conversation started on this very soon. Let's work on that. I kind of dropped the project to get a new logo for BC because of COVID. But I was in the middle of that and this could be either a good opportunity to get that going as well.

MASON COLE: Okay. Thank you, Mark. Thank you, Lawrence, for addressing that issue. Any other issues anyone would like to raise under item number seven? Okay. I see no hands.

All right. We're at the top of the hour. But there are two issues under AOB that I would like to raise quickly. One is on—you may recall that the BC made a proposal to ICANN for a plenary session on behalf of the CSG on the issue of a regulatory update in a plenary session for ICANN70, which starts on March 22nd. I just wanted to update the BC that it looks like that plenary session has been accepted and we're looking for officials from both the EU and the U.S. to be panelists on that plenary and provide updates to the wider community. This is in addition to the webinar tomorrow. So I do encourage you to attend the webinar tomorrow, but also make time for the plenary session later in March because that will give the community an opportunity to have exchanges with European and American officials on regulatory updates.

I just want to provide that update. Then, if you haven't heard already, our friend Chantelle has given birth to a new daughter. That happened about a week and a half ago, I believe. She is now on maternity leave. Apparently, mother and baby are both doing very well. But if you have

the occasion, you might want to send Chantelle a note of congratulations. I just wanted to pass along that happy news. Yay for Chantelle.

All right, any other business that anyone would like to raise for the BC today before we adjourn? All right, with apologies for going two minutes over, thank you all very much. Our next meeting, watch out for a meeting request for that. That'll happen very shortly. If there's no other business then the BC is adjourned. Thanks, everybody.

UNIDENTIFIED MALE: Thank you.

[END OF TRANSCRIPT]