BRENDA BREWER:

Good day, everyone. This is Brenda speaking. Welcome to the BC membership meeting on 4 May, 2023 at 15:00 UTC. Today's call is recorded. Please state your name before speaking. Have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. I have received apologies from Ching Chiao and I'm turning this meeting over to BC Chair, Mason Cole. Thank you.

MASON COLE:

Thank you, Brenda. Good morning, good afternoon, and good evening, everyone. Mason Cole here, Chair of the BC. Welcome to the call for the business constituency on 4 May, 2023. It's good to have you all on the call. And we have a busy agenda today, so we're going to dive right in.

First on the agenda is a quick update from Caroline Lupetini of NetChoice, who is heading our effort to do an outreach in Washington D.C. at ICANN77. And Caroline's got some plans underway that are going to be good for the BC and for our outreach to the broader community. Caroline, let me turn the call over to you. Go ahead, you have the floor.

CAROLINE LUPETINI:

Great. This is Caroline. Can everyone hear me okay?

MASON COLE:

We do.

CAROLINE LUPETINI: Awesome. So yeah, so we are now less than six weeks until ICANN77 here in Washington D.C., which is very exciting. So I've been working with Lawrence and other members of the BC ExCom to plan our outreach event for Washington D.C. And so, what we've settled on is a couple of tentative plans. One thing that we do have firm based on the other mock schedule for other ICANN77 events is that our event will be held on Tuesday, 13 June from 6:00 to 8:00 p.m. Eastern Time. This should come after all official ICANN sessions have wrapped for the day and should give everybody a bit extra time to get to the venue after the fact.

And so, we've also tentatively confirmed with a venue near the venue. A venue near the Marriott Marquis. So the Marriott Marquis is on a really lovely square in D.C. called Mt. Vernon Square. If the Marquis is on the northwest corner of the square, this venue is three minutes down to the west of the square. So it's very, very close. I dropped the website into the chat. It's American Southern Food.

And basically, what this event should look like is essentially a mixing and mingling of BC members and potential members. So we're going to be reaching out to a lot of other trade associations and organizations especially government affairs. Folks in the D.C. area, in the DMV area to try and spread the word of the good work that the BC does in advancing policy within the ICANN space.

So again, this will be a mixing and mingling, a very brief overview of what the BC does. A little introduction. But mostly light bites, good

drinks, good conversations, and again, very, very close to the Marriott Marquis. A note for our BC Leadership D.C. ExCom, it does require a deposit to put down to confirm the space. Oh, Steve is right. Yes, the DMV area is not the Department of Motor Vehicles. It is the D.C., Maryland, Virginia area. So Arlington, Bethesda, other parts of the suburbs around Washington D.C.

So we'll need to put down a couple of thousand dollars for the deposit to confirm the space but I'll work with the BC ExCom and ICANN org to make sure we have the funding flush for that. And we'll barrel right ahead. So thanks so much, I'm really, really excited about this.

MASON COLE: Caroline, thanks very much for your good work on this. It looks like a good event and a good venue. And hopefully, we'll have good BC membership turnout as well as some others who may be interested in BC membership or at least interested in the BC work that we do both within and outside the ICANN sphere. So thank you for heading up this effort. I know everybody's looking forward to the event, so good work. Thank you, Caroline.

CAROLINE LUPETINI: Thank you, all.

MASON COLE: All right. Let us move forward with the agenda then. I'm sorry, are there any updates or questions for Caroline before we move on with the agenda? Margie, go ahead.

MARGIE MILAM: This is Margie from Meta. Great plan, Caroline. I was wondering, since a lot of us have contacts in many trade associations, do you want us to be reaching out to our colleagues that run those different trade associations to try to get their membership and attendance? I'm just trying to figure out how broad do we want—

CAROLINE LUPETINI: Yes. Definitely, Margie. Thank you so much for bringing that up. Yeah, that's the next sort of order of business now that we're going to have the venue locked down. I'm going to mock-up a little invitation and then we're going to sort of work within our BC network to make sure that the widest possible net of invites get out. So yes, very much so. And I'll sort of loop back in with everybody in maybe a week or so once we have a contract signed. And then invite details can get set down.

MASON COLE: Okay, great. Thanks, Margie for the question and thanks, Caroline. That will be very helpful. We want as big a crowd as we can get in D.C. Yes, if you could share that with the BC, that would be great so that we can invite others to the event. Are there any other questions for Caroline before she has to drop? Okay, looks like the queue is clear. All right, Caroline. Thanks again. Excellent work and we're looking forward to the event.

All right, let's move on to item 3. Steve, the floor is yours for the policy calendar review, please.

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STEVE DELBIANCO: Thanks, Mason. Let me try that again. Here we go. So I hope you can see that. This is the policy calendar. Circulated it yesterday. I think we can get through this relatively quickly unless we want to deep dive a little bit into the .NET renewal.

First of all, thank you to Zak and Arinola for doing it early and put on a Transfer Policy Working Group. Zak and Arinola will give an update later in this call on the current status of that transfer policy.

So we have a couple of open public comments. One of which we ought to engage on it now with a little bit of discussion. The first is, the proposed renewal of the .NET Registry Agreement which on a six-year cycle expires in June of this year. The companies have presumptive renewal as long as they did a good job performing. But remember, .NET and .COM have agreements that are different than the Base Registry Agreement. Because of that it gets a little bit complicated.

So what ICANN staff has said is they negotiated with Verisign and came up with the ways in which they moved some but not all of the .NET Registry Agreement into the Base Registry Agreement. And they picked up obligations that we care about like RDAP, service level requirements for RDAP, update time, and round trip. They incorporated the idea that you have the sunset requirements to support Port 43 because RDAP and a handful of updates that I don't think are really going to be that beneficial to us. But the idea is to get it closer to what is in the Base Registry Agreement.

They also built in to the contract commitments related to combating DNS security threats as part of the Base Registry Agreement Spec 11, sections 3A and B. So those are the things that we've always been concerned about.

So also of interest is how the current and the proposed .NET Registry Agreement. Not just the new one but the one we've had. How it differs from the Base Registry Agreement this year. And we had commented a couple of years ago, April 2019 when ICANN was proposing moving .ORG and .INFO to the Base Registry Agreement. And in blue on the screen in front of you—and I sent this out to all of you on Monday instead of hammering it with you today. But the BC supported the idea of moving the Base Registry Agreements because of all the provisions that we care about. Rights protection mechanisms, dispute resolution, code of conduct and the public interest commitments like Spec 11.

And now, I do want to reiterate that the Base Registry Agreement has no price controls and we supported that. Elimination of price controls for info and org. But remember, in 2019, we looked at this discussion between Verisign and ICANN and we said that although we do not support ICANN regulating prices in a market that's genuinely competitive, we were comfortable. If Verisign and ICANN had mutually agreed that they wanted to keep price caps, which is a 10% price increase in 4 out of 6 years, if they're comfortable with that, whatever. We were willing to go along with it and it would be my suggestion we do the same thing here. We take the price caps.

I wanted to bring up though that there's one other element that's different is that .NET is prohibited. It's prohibited for doing vertical

integrations. So they can't be a registrar reseller for .NET names. And that is also not in the Base Registry Agreement. A number of you have heard Mike Palage. He's now in the At-Large. Found a new home. But he's been researching differences between the Registry Agreements out there not just .NET and the Base Registry Agreement. And he's not even focusing on changes that occurred between the current and the proposed .NET. He's just saying in general.

And he did an analysis of what he calls deviations. He presented them to the At-Large Consolidated Policy Working Group last week and I sat in on that. He also presented it to another small group that met on Wednesday. Now Mike says that—he said that it preserves price caps and it preserves vertical integration restrictions. And he's pointing that out as a difference between the base and the .NET. He's not advocating for it or anything else. Just pointing it out as a difference. It's a difference that certainly accrues against Verisign.

But then Mike also points out—this is really important right here. Who knew that upper and lowercase could be so essential. I guess we have a lot of lawyers on the BC and you guys think it's really important. So the words security and stability. In .NET and the base, they treat it as defined terms for purposes of what the registry is allowed to do or should do when it operates the registry database. And those are defined terms that are somewhat narrowly defined associated with how a registry operator handles the zone file. The database that it manages, okay?

But the Base Registry Agreement also uses the same terms in lowercase without a definition when it describes the way in which the registry is

going to honor consensus policy development. It's binding on all contract parties. The famous picket fence, where any registry and registrar has to comply with consensus policies. If we approve them in the right way through a PDP and the board, there's only been a dozen of these consensus policies in ICANN's history. But when they come along, everybody has to follow.

So Mike Palage is worried that the undefined terms are good because they allow for greater scope when ICANN develops a new policy. He worries that if the .NET RA used uppercase security and stability, that it could refer to a narrower definition. And therefore might be used by the contract party to limit the kind of things it had to follow. It's complicated, I get that, but we are in the situation now where we need to comment on that. And I would propose that we would echo, we would drudge up some of the things I put above earlier.

But I would want to echo the comment especially if the ALAC is going to suggest that they're a little worried about that upper and lowercase specificity on security and stability. And I would want to raise it to ICANN legal and have them respond and then we would say that if the response does not specifically address the flexibility, we need to develop policies, then we would prefer that they go to lowercase security and stability. That's about all I had so far as a draft. I'd welcome any volunteers who want to work on this with me. It's due on 25th of May. So we've got three weeks. I'll take a queue. Zak.

ZAK MUSCOVITCH: Thanks, Steve. I was going to suggest something very similar to what you had, Steve. And I see Margie as well in the chat thinks it's a good idea. I followed the At-Large discussion as you did, Steve, but even after thatm I've been in touch with Palage to better understand his observations about the proposed revised registry agreement. And I think that if we see an advanced copy—he said he was going to share a link to the Google Doc—then we'd be in a position to pick and choose what from that, if anything, we want to echo.

And generally, in terms of the pricing issue and stuff like that, I'm actually of the view if there's no change, substantive change between this proposed agreement and the previous one, that we may not even need to focus on that and just focus on the precise changes that—the redline so to speak. And so, that's another approach to it. Thank you.

STEVE DELBIANCO: Yeah. So that's really interesting, Zak, because there is a redline—I linked to it here—between the old and the new RA. But what Mike is asking ICANN for is a redline between the base agreement and the new .NET. That is not trivial to do. You can't just jump in to Microsoft Word and generate a redline because they're very differently structured. And so, I know he's asking for that but I don't want to wait until staff gives him that redline between the base and .NET.

I think I agree with you. Let's focus on whether the .NET agreement changes in ways that we're concerned about. And it turns out that this lowercase S for stability and that lowercase security was already in the

.NET agreement before. So it's not a new issue but it's something that Mike Palage is newly focused on.

ZAK MUSCOVITCH: I would just add to that, Steve. The work that Palage is doing is very meticulous. It may not be that we choose to hitch our wagon to everything he's got to say. But I would say this is that it's nice to see him leading that in At-Large because the quality of the analysis is superior than usual.

STEVE DELBIANCO: Got it. Can I count on you to help a little bit then with the drafting and review?

ZAK MUSCOVITCH: Yeah, sure. Thanks.

STEVE DELBIANCO: Thank you. Margie, you were next.

MARGIE MILAM: Thank you, Steve and thank you, Zak. This is Margie. I'm curious as to the DNS Abuse related language. If you remember a few years ago, the BC was concerned about the way Spec 11 was being interpreted because I think it said something to the effect of, that as long as the registry contract had it in its contracts with registrars that there needed to be some response for DNS abuse, that that's all that ICANN would

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enforce. If you remember, I think that was a surprise I think to the community that there was nothing enforceable for ICANN compliance.

And so, this might be an opportunity for us to raise that issue again because of the changes that have happened over the last couple of years and the interpretations that ICANN compliance has taken with respect to that language. So that was just something I was thinking about. But yeah, other than that, I haven't really taken a look at it and I have heard Palage's comments. I didn't really follow everything and didn't attend the ALAC meeting.

STEVE DELBIANCO: Margie, we talked before about how CSG worked with contract parties to convince ICANN to reopen the Registrar Accreditation Agreement and potentially the registry agreement with regard to DNS abuse to make sure that we had enforceable standards. And we're not part of that. We'll get a chance to comment on. So we were told we'd see the contract language by the June meeting. Remember, they discussed it extensively in Cancun but weren't ready to give us the language.

So if they modify the Base Registry Agreement and the Base Registrar Accreditation Agreement, we should insist that those changes be adopted into the DNS abuse elements in the .NET RA. I'm just channeling you on that. Is that what you want us to ask for?

MARGIE MILAM: Yeah, something like that. I'm not sure that we should commit to accepting what's in the RA negotiations because we haven't seen it yet

and it might not go as far as we think it should go. But the concept makes sense.

STEVE DELBIANCO: It wouldn't be in the RAA. It would be in the [RYA,] right?

MARGIE MILAM: Yeah, that's right.

STEVE DELBIANCO: And looking for other hands. Zak, is that a new hand?

ZAK MUSCOVITCH: Yeah, new hand, Steve. I was just going to offer to give a very short summary of the red alert argument that some may have seen online from George Kirikos about this. And the critiques of that approach.

STEVE DELBIANCO: I would welcome that if only for comic relief. You may know that George Kirikos was one of the early members of the BC and one of the early antagonists that we were happy to pass off to other groups. But he has since been banned even from the ALAC. And I did see what he posted. Why don't you explain the current red alert?

ZAK MUSCOVITCH: So listen, this is not the first red alert and won't be the last red alert. And so, whenever there's a red alert issued by George Kirikos in an

ICANN policy matter, I do pay attention to it. My first reaction is oh gee, he's done another red alert. So in this case, what his red alert was—and there were a few aspects to it, but the primary aspect in my view is that his belief that the wording of the proposed revised .NET agreement would expand the rights of the registry and detract from the rights of the registrant in the sense that it included a very broad language that essentially said that the registry can require all registrars to include in the registration agreement that the registrant fully indemnifies the registry from the registry complying with all court orders, government directives, etc. Not just from courts of competent jurisdiction or from domestic governments but from anywhere at all.

And so, the concern was that this is terrible because registrants could have their name cancelled or transferred if a complaint comes from Russia or whatever the case is. The things is that this kind of language appears to be in most if not all such agreements. And the indemnification provision is something that a registry certainly won't give up the same way a registrar won't give up. They're not about to provide a $10 domain name for a million dollars of exposure.

So that seems to temper the red alert in several people's views. I originally was concerned about this and then I took a closer look and became less concerned about it. Palage is also not concerned about it, just for example. One idea that kind of came out of the discussion with Palage about it though is that we don't know what kind of foreign orders, foreign government directives like from the Chinese FTC or whatever it is are regularly complied with by registries.

So registries may take a hard line and say, no, go domesticate your order. We don't abide by foreign FTC direction so to speak. But on the other hand, they may comply with them regularly. And so if it's for a DNS abuse kind of thing, well, that's great. But if it's of a political nature where a country is trying to extraterritorially enforce its laws which are at odds with the registry's domestic laws, well, that's another story. But what can really be done about that—because as I mentioned, the registry won't readily give up its indemnification and its free hand to cover its own butt when it needs to regardless of where the order directive comes from.

So he had a creative suggestion that's maybe worth the BC considering. It's kind of similar to the data collection effort with the ticketing system that ICANN is building for registration data requests. Kind of collection of data from registries as to which foreign orders they're complying with. Some registries like Google are already doing this to some degree and PIR is already—they already publicly published data about the various kinds of abuse complaints they get. It could be something similar to that perhaps but further broken down by country of origin.

So if we saw that various demands are regularly coming from some countries, it could raise some eyebrows. But it's just an idea. It's not a big deal but something to consider. Thanks.

STEVE DELBIANCO: I could see us asking if the registry, Verisign in this case, would list the orders it's complaint with. You probably understand though that many times if it's law enforcement, they will require the party they order not

to disclose it. So there's some issue there. I also would support something I heard Jonathan Zuck, he's the chair of the ALAC. He said this last week is that we very much doubt the jurisdictions of courts around the world give a shit what's in the ICANN registry agreement. They will issue orders whenever they think their interest or citizen's interests are threatened or their laws are violated.

And then there'll be a fight over whether they have jurisdiction based on a variety of factors. The presence of these words in the agreement is not going to constrain or encourage government action. Do you agree with that?

ZAK MUSCOVITCH: I think generally that's a fair point but the corollary of it is that if you or I were sitting in the chairmanship of a registry, and we got a government directive from a country that the United States doesn't have good relations with, it doesn't exactly see freedom of speech the same way we do that says, take down Twitter, Amazon, or Facebook site because they're saying bad things about the military action in Eastern Ukraine or this kind of thing.

A registry is within its rights to comply with that. But it hasn't seemed to be a problem to date. In other words, registries either aren't getting that kind of demand or aren't complying with them. And so, maybe there's no remedy required at this time. But at least in theory, that's the kind of thing that could happen with a registry having this free hand. But it's just really difficult to conceive of a solution that allows the registry to continue to cover it's butt out of its own self-interest as

necessary for its business and also resist those injudicious attempts of extraterritorial enforcement of foreign laws.

STEVE DELBIANCO: Let's develop a discussion of that for the comment we submit on .NET. As you said, we'll acknowledge this. This is already in most if not all existing agreements that we're unaware of specific troubling instances but we nonetheless would ask for more transparency of the agreement.

ZAK MUSCOVITCH: Yeah. I think it's simple as that just to get the discussion going. Not that anything will ever happen from it in our lifetime, so might as well try.

STEVE DELBIANCO: I know. If you recall, when Russia invaded Ukraine, there were demands that ICANN and others take down the .RU ccTLD. Both ICANN and the root zone operator which happens to be Verisign said, no way. We're not going to do anything that's that politically motivated. Remember that. All right, thank you very much, Zak. I appreciate you. Anyone else that wants to volunteer to assist on this? It's going to be relatively simple comment as Zak indicated. We'll model it carefully on our last. Olajide, thank you. And I'll circulate a document on that. Thank you. Next up is by-laws amendment for the NomCom2 review.

Now keep in mind, this review significantly threated the BC's second seat on the NomCom. The large business, small business. We have two of them. But that was withdrawn. We made a lot of noise and we had some help from our friends in CSG. And so, they withdrew that

rebalancing proposal for now. It will be back, I assure you. And fortunately, Mason will discuss the fact that we are going to fulfill both large and small NomCom seats in the current upcoming elections. But nonetheless, we need a volunteer who's been experienced with the NomCom to help us draft our comment on the rest of the changes that they are wanting to make to the NomCom.

So we have several members of the BC who have participated there before. Can I get a name or two?

LAWRENCE OLAWALE-ROBERTS: Hi, Steve. This is Lawrence. I believe that we could benefit a lot from the contributions of people like Jay and Zahid. I would also love to join as a backup to whatever it is they are able to help with.

STEVE DELBIANCO: That's a good idea. Anyone else on the call right now who's been on NomCom? I don't think so. I will write to Jay. They're not in the call, and Zahid and cc you. And asking them to see if they would pitch in. Thanks, Lawrence. Anyone else? Great.

LAWRENCE OLAWALE-ROBERTS: I don't see [inaudible] on the call but we might also chip in Tola.

STEVE DELBIANCO: Yes. Tola as well. Definitely. All right. Next item up is there's a phase 1 report. So it's very early in the process of an expedited PDP on IDNs,

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Internationalized Domain Names. Those comments don't close until June 5th but there's a webinar in two weeks and when I sent the policy calendar out, I was so gratified that Ching Chiao, one of our BC members, very familiar with DotAsia and the use of non-ASCII character sets or IDNs has volunteered to help us watch the webinar and help draft the BC comment.

Jimson, you're going to help on which one, NomCom or IDN? I want to get that right. I'll wait for that response, but thank you, Jimson. Anyone else wanted to help with that? Great. The next item up was not a public comment but—oh, it's Johnny, sorry. Thank you very much. So Johnny, would you want to help with IDN or was that—okay, got it. I see NomCom. Thank you. And the last one up was whether we have any updates at all on NIS2. Look at what I put in yellow. I was on an interest group call this week with EC staffers—we're not supposed to name names, but two very prominent EC staffers, they believe the NIS2 article—Margie will know. Is it 18 or 28?

They think it provides a clear legal basis for the transfer or other form of access to date—28. Thank you, Margie. Article 28 provides a clear legal basis for RDAP, for shared databases and potentially even thick registry data. Because we know that the—getting com and net to thick has been held up by an interpretation of the GDPR and the requirement that there be a legal basis.

So a lot of excitement over that idea and probably feeds in a little bit to what Margie had been talking about in the need for some sort of a temporary spec or a quick execution of the current agreement because the current agreement said that if there's a legal basis and the registry

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says we see a legal basis, the registry can compel the registrars to give the data. So suddenly com and net could be potentially given the data for thick. A lot of it might be privacy proxy but nonetheless, I think that's something that's interesting. Margie, you want to add anything to that or Marie?

MARIE PATTULLO: I can, Steven. I was at that meeting and I've sent to everybody. If you check through your emails, you'll find something called high-level interest group, high-level internet governance group. Anyway, HLIG. It's a thing run by the Department of the European Commission that deals with internet issues, DG CONNECT, and this is a meeting we have every six months or so. And he was very specific about that, Steve.

I picked up not only what [inaudible] the director said but also some comments made in chat by the people in charge. The relevant [inaudible]. Very interesting direct response to Thomas Rickert, who many of you will know is the councilor of the ISPCP. A lawyer that works for a lot of registrars. He was trying to say, oh well, we're not quite sure and maybe this and maybe that. And [inaudible] came back very directly with "Thomas, asked and answered." Which was great. So please do have a look at those notes I sent you.

If I may Steve, can I add a bit on NIS2? Thanks. Another thing that you will know is that now that the directive has been adopted, it's down to the member states, the 27 different countries that make up the EU to actually turn it into national law. And we've had a couple of conversations with [inaudible] with the Danish Rights Alliance who are

what they say on the tin and very proactive. They deal a lot already with DK Hostmaster who is the Danish ccTLD operator. And they have a lot of connections also with the government, with Europol and so on.

I had a chat with them 10-ish days ago and with massive thanks to Margie, who drafted the letter. Thank you, Margie. Thank you. What we've done now is shared with our friends in the Danish Rights Alliance our suggested—Margie suggested wording changes to an existing Danish law that basically says everything we wanted to say apart from the fact it only applies to .DK, the Danish ccTLD.

So what we're trying to do is persuade them that they may want to work with their government to amend their current law, the domain names act 2014, to include gTLDs and hopefully roll out NIS2. And what we're really hoping is if we can get traction in Denmark, we will then take the same suggested wording, go to some of our colleagues in the capitals of the other member states and plan to share it that way. Thank you.

STEVE DELBIANCO: Thank you, Marie. It's great when a plan comes together. We first started talking about this when we met in the Netherlands, the idea that Denmark could just expand their coverage to gTLD registries who service registrants or users in Denmark so they have a jurisdiction. They have the easiest tweak of all. So that's great news. Margie?

MARGIE MILAM: Yeah, thank you. Thank you, Marie, for that update. The Danish law is already a good law but it applied specifically to the ccTLD so it actually wasn't that hard to amend it to include a gTLD language. But the point I wanted to talk about was with the next step apart from the NIS2 transposition and how we get ICANN policy to change and the concept of the temp spec. You saw on the list. I shared the Meta report that we just published yesterday regarding our approach to addressing malware. Sometimes it's not obvious how domain names fit into those type of attacks.

But as you can see, if you take the time to read through the reports that we published, it's a pretty complex process and I know Microsoft and other companies have the same type of mitigation approaches for these networks but this is a very real security and stability threat. And to think that we would have to wait till the end of transposition process, that's 2024, before there would be a temp spec. To me, it just doesn't make sense because that's two plus years where these malware threats are not being mitigated properly.

Fortunately, we do sometimes get compliance and cooperation from the registrars but there's a lot of registrars and registries that don't comply. And so, that just makes it longer for those malware threats to continue. So that's kind of the other piece of the NIS2 process is really how do we get ICANN in the coming months at the ICANN meeting in June to start really thinking about issuing a temp. spec now.

STEVE DELBIANCO: Thank you, Margie. Any other comments on this? I know that Mason made that point at the microphone in Cancun. Okay, let me turn this over to Marie. And do we also have Mark today to talk about council?

MARIE PATTULLO: No, you're stuck with me. Mark's doing what he's paid to do. He's got a client meeting. There's really not much I can say. The last council wasn't terribly dynamic. It was a little discussion. Probably the definite lead item on our agenda at the moment is SubPro. As you know, the report came out of SubPro. A lot of the recommendations have now been adopted by the board. Some of them weren't. They were put into a bucket pending.

So the council has been trying to figure out what we need to do. And a small team of councilors has gone through these different questions that board go to us. Some of them we can probably answer just by getting a bit more clarification. Some need a bit of a deeper dive. Some, there's even—I'd like to say a vague possibility but then again, this is ICANN. So a lot of things are vague, that there may even need to be a bylaw change, a really little one because the board is concerned that some of the wording around what they're now calling the registry voluntary commitments, RVCs. We used to call them PICs, got a new name now, that some of those might not actually be enforceable. So even though they would be in the contract, ICANN can't enforce.

Anyway, what's happening is, they've gone through this triage sorting process. We now need to go back to the board in more specifics. So that work is starting, and the idea is that we, Council, need to give them a

timeline, a project management line of what program by the day before ICANN 77 opens the Sunday. Which is why council is going to be meeting that Sunday. Now, that's a lot of words. I've just already sent you the table of where we are, the details about where the different things are in SubPro to the entire list. If you've got any questions, please let me know.

But honestly Steve, unless there's something else you think we need to talk about on the council side, I don't really have anything.

STEVE DELBIANCO: Thank you, Marie. So that meeting happened earlier today. That's been an extraordinary meeting. It went well as far as you're concerned.

MARIE PATTULLO: If you like more of these small team reports, and what they've done and why, and then a lot of people trying to drill down into very small weeds about very small subjects, but that's council.

STEVE DELBIANCO: And staying on the notion of SubPro. There's a SubPro implementation review team or IRT and we had Imran Hossen volunteer as a BC rep. But also, Ching Chiao would assist to be as an alternative as well and I appreciate that. So Ching and Imran should definitely listen to the recording of that extraordinary meeting. I know it was not specifically about the IRT, but it certainly touches on SubPro.

MARIE PATTULLO: And there will also be a meeting between the entire council and the board on, from memory, the 22nd of May where we're talking about these specific recommendations again.

STEVE DELBIANCO: Thank you, Marie. Any questions for council? I'll give you one quick little update. Let's go to the transfer policy working group, Zak and Arinola. What's going on there right now?

ZAK MUSCOVITCH: Thanks, Steve. So yeah, Arinola and I have been diligently continuing to participate in transfer policy working group. Currently, what the transfer policy is engaged in examining is a codification of the informal friendly registrar-to-registrar conflict resolutions that go on behind the scenes. So when there's an unauthorized transfer of a domain name, whether it's by theft or otherwise, there is the transfer dispute resolution policy which is like the UDRP for unauthorized transfers.

But that's only been used eight times in eight years. Typically, what registrars will engage in is an informal resolution. Registrar to registrar over the phone and email. And so, that's something that isn't in any policy. It's not written down anywhere. Theres no transparency of it as far as registrants are concerned. But it's something that goes on every day and is very effective. So some of the registrars are wanting to take that informal policy in some way, shape or form turn it into a requirement. It's not yet certain what form the requirement will take. There's two extremes of it. On the lesser extreme, it would be registrars are required to engage in the informal process. That's the lightest touch.

And the other extreme would be that if a gaining registrar doesn't respond to a losing registrar's request for a rollback, that the rollback will automatically occur within x-days. So it's still early days. If anyone's been following the At-Large mailing list on this, there is no proposal despite the appearances that may have been given at this time.

That's going to formalize. That's going to evolve in the next couple of weeks. And so, once there is formal proposal for stakeholder input, Arinola and I will bring it to the BC for review. Thank you.

STEVE DELBIANCO: Thank you, Zak. I will then give you a quick little update on what we now call the Registrar Data Request System or RDRS. I continue to represent the BC on the small team. We meet about every week, a couple of steps forward and one step back. I have been hammering them to give us data models so we understand whether they are completely capturing all the detail necessary for us to do the analysis on registration data requests.

Good news. They definitely capture all the data necessary. Bad news, staff has said they are not going to make the detailed data available to anyone and that is direct conflict to what they had promised earlier and they're claiming it all because of GDPR and privacy by design, essential need to know. We'll continue to fight that battle but the good news is if they've captured and retained the data, we either continue to battle to get the data in some anonymized way or we submit requests for ICANN staff, under their veil, to analyze and come back with data that we need. They're probably not going to reveal the names of the bad actors. That

is to say registrar who deny every request. But I feel like we made some progress there. And I told them that on behalf of the BC, I'm just going to completely keep the pressure on for them to move on that. Okay, let me turn it over to Tim Smith to handle the CSG update.

TIM SMITH: Hi, Steve and everyone else. Thanks very much. I think many of the things on this report have already been referenced, so I won't take too much time. Certainly, in the interest of time. I guess, the big thing is board seat 14, there have seen a lot of exchanges back and forth between NCSG and CSG over the past couple of weeks. And I guess the long and the short of it, down to my paragraph three here is mediation is the likely path to resolve the issue of the impasse that we're at between NCSG and CSG.

And so, a note was sent to NCSG the other day saying that the mediator had been contacted and I saw an email this morning from NCSG saying that they agree to the mediation. So there will be that process that goes forward in order to try to overcome this impasse on appointing a new person to the board in place of Matthew Shears. As far as timing of that goes, I believe the two chairs of the two constituencies will meet next week sometime with the mediator to just sort of layout the rules for that. I see your hand, Steve.

STEVE DELBIANCO: When you say chairs of the constituencies, it's not two chairs. It's not two chairs because CSG and NCSG—CSG doesn't have a chair. So you mean all three chairs of the three CSG constituencies?

TIM SMITH: No, I meant the person who is currently acting as chair for CSG and the person who's currently acting as chair for NCSG. So that's Julf and Lori or Lori and Julf.

STEVE DELBIANCO: The chair for CSG is something we just take turns every meeting, right?

TIM SMITH: Correct, yeah. That's right, yes. So that's going to be the process. At this point, we of course have our chosen candidate. We, CSG, have Mark Datysgeld. NCSG of course is satisfied with Matthew Shears and they are offering Rafik as another option. I guess, we'll see how the mediation goes as to how that progresses. So I'll keep you posted on that. I guess, the other thing that transpired on April 14th was a meeting with the GNSO appointed board members. I thought it was a good meeting. We didn't go in with a formal agenda and there seemed to be good free flow exchanges.

I think many of you were on that call. And I guess, the one thing I noted here is that these listening sessions to determine the appropriate qualifications, I guess, for a CEO, those continue and there have been several over the past few weeks. But on May 16th apparently, there will be one as the board is in Brussels for a working group. So there is some information in a link there and we'll be hearing more about that and I think we're all invited to attend. So that's good that that process continues.

There was also some discussion about SubPro which I thought was good but as Marie has pointed out within GNSO that that process is proceeding very well. So other than that, the planning prioritization is gearing up for FY25 and we recommended and I think have agreed that Susan Payne and Philippe Fouquart will continue in their roles on our behalf, on CSG's behalf. Susan has been involved for the past two years. And Philippe was involved last year as the alternate, so he'll continue.

And then you already spoke a little bit about NomCom rebalancing and BC has been notified directly and as has CSG that we have an opportunity to discuss this rebalancing. Within CSG, we haven't had any conversation at this point, so I know that we will do that. And of course, June 30 is when the board of ICANN is looking to hear from us. And that's really it for me.

STEVE DELBIANCO: Tim, thank you. Great report. I'm going to wait for others to ask questions. Keep in mind that the NomCom review withdrew their recommendation for rebalancing. And yet, Tripti, the chair still wants to talk about it. One idea is that the BC dust off our long-term goal to say that GNSO gets four instead of two on the board. If we did, then CSG and NCSG would each have their own board member. So there's all of these problems trying to find a consensus candidate. And maybe if we did that, it could be in conjunction with some sort of rebalancing. Think about that.

TIM SMITH: Good point, very good.

STEVE DELBIANCO: Any question for Tim? Okay, thank you. Back to you, Mason.

MASON COLE: Thank you, Steve. Thank you, Tim. I appreciate the update on both of your parts. We are a bit behind on time, so Lawrence, may I go to you for a quick update. And then we have an AOB issue that we need to cover as well. So Lawrence, over to you.

LAWRENCE OLAWALE-ROBERTS: All right, thank you very much and good day to everybody. I'm starting off the finance and operation report, drawing our attention to the fact that registration for ICANN77 holding in DC is ongoing. Members are encouraged to register because whether you desire to participate remotely or you're going to be there physically, there is a need for this registration to be done. We are also creating a link to the registration page. It's going to soon be on the BC website, icannbc.org such that it will be easy to locate the registration link as well as register for our planned outreach.

As Caroline had [intimated the house] earlier, many thanks for all her efforts. I'm sure she's had great guidance also from Steve. And we are looking to receive support from members who directly are in DC and those who have links. So we welcome this suggestions that we invite especially corporations to the BC's planned outreach. This is scheduled for Tuesday at about 6:00 PM local time in the DC.

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It's planned as an outreach but we are also hoping that we can use this forum as the BC's inreach. So all members of the BC, this will be one great time to gather in an informal environment to chat with drinks and to catch up. We will also be requiring the BC members to help support the outreach event by being [aground] to speak with participants one on one and helping to answer any questions that participants might have with regards to the BC and how what we do in ICANN impact businesses.

You will have received by now an invoice for FY24 and we want to encourage members to look out for the invoices in their mailboxes and as quick as you can make it happen, please help sort out these invoices. Payments for this particular invoice don't in any way impact the elections that are ongoing. We are still going to rely on the database for FY23 in the conduct of this particular election. But we would love to have members sort out the invoices as soon as possible.

If you haven't seen an invoice yet or you need one reprovisioned, please reach out to invoice@icannbc.org and your inquiries will be answered or you can shoot me a mail. Also, for members, for a few members who have not yet sorted out their FY23 invoice, you will have received a mail from the invoicing secretariat to this effect. And as it states, we basically have up until the 20th of May to try and sort out these invoices. We want to appeal that you quickly pay attention to this and if there are any challenges you might be having, please let me know.

But after the 20th, we might have to revert to the charter's provision for non-payment of dues as when due. We also want to bring to the attention of members our timeline for the ongoing BC elections.

Nominations are to end today, Thursday. So if there's anyone that is still considering stepping forward for any, we have two NomCom seats open for reelection. We have nominees already properly nominated. And we also have one council seat, which is a council seat for Marie that's also hoping for election.

We want to encourage members who feel up to task to try and fulfil the election requirements by putting in their nominations if they are interested. After today, when the nominations will close, we will be waiting to receive candidate statements on or by the 15th of May. And by the next BC meeting we are having, Thursday the 18th of May, we will have a candidate's call. Start about 30 minutes before the normal BC meeting time so that we're able to interact with the candidates for the NomCom seats and the council seat election. Voting proper starts by the 19th and will run for until the 25th.

You will receive the results of this election by the Friday the 26th of May. With regards the BC's finances, finances are in good shape. A draft budget for FY24 is currently being prepared by myself and I will share that with membership right after ExCom has had a chance to review it and make their input. But I can comfortably state that to the point where we are today, we still have over $100,000 US in our bank accounts including the BC strategic funds which sits at $65,000 US. If you have any questions for me, I'll be happy to take them at this point. Otherwise, I will yield the floor back to Mason. And before I do so, I want to also recognize Mia, one of the candidates for the NomCom seats and I'm sure we will have an opportunity to interact and ask questions at the next BC meeting. Yes, Margie. Please, your question.

MARGIE MILAM: Thank you, Lawrence. No, I just wanted to, as part of AOB, introduce Mia and have her say hello. She's a fellow Meta mate. Really adept. Knows a lot about the domain name system and she's on right now. So Mia, why don't you say hello to the BC.

MIA BRICKHOUSE: Hi, everyone. Just a quick hello. Thank you, Margie. Thank you, Mason. It's been great to get a preview of all the great work that this group is doing and I'm really looking forward to meeting a lot of you in person hopefully in DC next month, so thank you.

LAWRENCE OLAWALE-ROBERTS: Great. Thank you. You're welcome. And Mason, back to you.

MASON COLE: Thank you, Lawrence. Mia, it's good to have you in the BC meeting today, looking forward to your very involved involvement in ICANN matters, so thank you for stepping up for the role. Lawrence, thank you for your report. Members, any questions for Lawrence before we move to AOB? All right, very good and we are right on time. Is there any other business for the BC this morning before we adjourn?

All right, very good. Our next meeting is on 18 May. As Lawrence mentioned, we'll start about half an hour early. Lawrence, is that right, 30 minutes early? Okay, very good.

LAWRENCE OLAWALE-ROBERTS: Yes, that's right.

MASON COLE: Okay, thank you. All right. So anticipate an earlier start time for that meeting so that we can have our candidates call for the elections that are upcoming. And in the meantime, if there's business to raise on the BC, you're free of course to use the list for that. And if there's no other business, then the BC is adjourned. Thanks, everybody.

TIM SMITH: Thank you.

LAWRENCE OLAWALE-ROBERTS: Thank you, all.

[END OF TRANSCRIPTION]