BRENDA BREWER:	Good day all. Welcome to the BC Membership call on 5 October 2023 at 15:00 UTC.
	Today's call is recorded. Please state your name before speaking and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. We have apologies from Barbara Wanner. Turning this meeting over to BC chair, Mason Cole. Thank you.
MASON COLE:	Thank you, Brenda. Good morning, good afternoon, and good evening, everybody. Mason Cole here, chair of the BC. Good to have you all on this call. This is our last call except for next week's Candidates call for our elections, which we'll have that call before we depart for ICANN78. But that's our last meeting until we meet in person in Hamburg. So, I encourage you to make the Candidates call next week, if you can. We'll have everybody on the call talking about their priorities in the next year. That usually is an important meeting so I encourage you to attend.
	All right, the agenda is up on the screen. Does anybody have any additions or updates to the agenda, please? Okay, very good. All right, diving right in then. Steve, the floor is yours for item number two. Please go ahead.
STEVE DELBIANCO:	Thanks, Mason. Sure. The policy calendar now sent around yesterday. I hope that everyone's got it. Do you see the policy calendar?

MASON COLE: Not quite.

STEVE DELBIANCO: No? Not yet? I didn't get that right. Let me try again. How about now?

MASON COLE: Yes, now we got it.

STEVE DELBIANCO: Thank you very much. Sorry about that. All right, everyone, before I dive into the public comments that are available, we're going to let Tim Smith go first on the CSG section of our agenda. Tim, I have it on the screen and it all fits. All yours.

TIM SMITH: Yes, perfect. Thanks, Steve. Thanks for putting me at the top of the agenda today. I just need to run to a different meeting at the bottom of the clock. So here we are. We are preparing for ICANN78. We are preparing for a meeting with the NCPH, which will take place as a Day Zero event on October 20. As you see and we've talked about that before, we are obviously going to discuss things of common interest to the NCSG and the CSG. But we'll also be dealing with how to break the ties that we've been having and break the impasses that we've been having as we had with Board seat 14. There's a discussion underway as well as the vice chair of GNSO Council, which is an issue we'll also be

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discussing at the time. So that's the first thing that's on our agenda for ICANN78.

Moving along, we will be having a CSG meeting. It'll be on Sunday, October 22, so a couple of days after the intersessional. I'm sure that a big part of our agenda will be a debrief of the NCPH meeting that we had. We do have a couple of items that we will be discussing at that. One will be NIS2 implementation. Our agenda is not finalized at this point but this is what we're looking at at this point. And then also examining lessons we learned from the Board Seat 14 and perhaps the vice chair of GNSO discussions as well. So that will be at our CSG meeting on the 22nd of October.

We also have a session, which will be on the 24th of October, CSG with the ICANN Board. The ICANN Board is asking us to comment, as you see here, looking forward over the next three to five years, what are the key strategic issues that ICANN in the ICANN ecosystem should be addressing for the coming years in the strategic plan. So we haven't had as a CSG a discussion on how exactly to handle that, but we will be doing that.

Board has also asked us what we would like to see, what questions we have for them. We've been discussing three things. One is does the Board have any intentions to dislodge the working that is overdue to the community? Will they cooperate with the community on new or expanding threats related to DNS abuse new vectors over the coming years? Will the Board support either expansion of GNSO's role at the Board level or redistribution of Board seats to the GNSO for appointment?

So those are things that we'll be talking about. We have to submit our questions to the Board by October 11. So if anybody has suggestions surrounding these things. At CSG, we haven't sort of discussed these or fleshed these out at this point. So there's an opportunity in the coming days for people on this call to contribute to our dialogue.

Other than that, we have for the past few meetings had a CSG meeting with the CPH during ICANN. There wasn't a space for a full session. But CSG leadership and CPH leadership are going to be having a lunch and that's on Monday, the 23rd, at a location to be determined, which I said should not be in the cafeteria at the conference center. But we don't have a place for that yet.

So those are kind of the highlights at the moment. Lots more work to be done in preparing for ICANN78. But that's what you see for now. I'll take any questions. I didn't elaborate on CSG or on the vice chair discussions because I wasn't sure whether that was elsewhere in the agenda or whether it's something that anybody else want to elaborate off.

STEVE DELBIANCO: We'll lose Tim soon, Mason. So if you want to cover that now, this will be the time.

MASON COLE: I don't think it's quite mature enough to cover just yet, Steve. So, let's defer on that.

STEVE DELBIANCO: Tim, I wanted to mention that on the 20th of October, there's an all day event hosted by eco. That's the Internet Industry Association that Thomas Rickert runs. It's called a Workshop on the NIS2 Directive: Its Impact on the DNS Industry. And eco's members are members on the contracted party side, hence the name DNS industry.

I am registered to be there all day. I know it's this same day that you are meeting with the NCPH ExCom. Any other BC members attending the eco Workshop on the 20th of October? Okay. Then I'll be able to report to all of you afterwards and look forward to seeing you there. Any questions? Okay, Marie. Fantastic. Any other questions for Tim? Okay, I'm not seeing any. Thank you, Tim.

TIM SMITH: Thank you.

STEVE DELBIANCO: I'll scroll back up to the top of the policy calendar. Since our last meeting, we submitted two comments, one on the proposed updates to the RPM documentation that Zak Muscovitch came through once again by analyzing and suggesting they all match the policies that had been approved, so we supported the new documentation. And thanks to Marie, Abdul-Hakeem, and Arinola for also reviewing what Zak had drafted.

Then last week, on the 28th of September, we commented on a ccNSO policy that they're suggesting to do a review mechanism that's specific to ccTLDs. Because we have ICANN review mechanisms like the IRP that

apply to us, but not the ccNSO. Ching, let me thank you again for drafting, and Margie for reviewing. I do think it's a bold and appropriate suggestion that we have, which is that ccTLDs ought to conduct reviews in much the same way that the GNSO does. Anything further to mention on that, Ching? Okay. Fantastic,

CHING CHIAO: Steve, thanks. Nothing much, but I'm happy to entertain any question anyone may have. Thanks.

STEVE DELBIANCO: Thank you, Ching. Ching, you thought that the suggestion on IRP jurisdiction would be controversial in your own words. Have you heard any more about that and did any other commenters make the same suggestion?

CHING CHIAO: Nothing much from my end. I'm still going over those comments submitted to this topic. So if I hear anything, actually, I will further this report back, but nothing much now.

STEVE DELBIANCO: Thank you, Ching. I appreciate it again. There's one open public comment right now. This has been opened and then closed before. It's been opened, and then we commented back In November of 2022. Barbara Wanner did a superb job on drafting that comment. This is on the Pilot Holistic Review, if you recall. One of the outcomes of the ATRT

was to suggest that ICANN do a more holistic review in addition to the very specific reviews. That Holistic Review was subject to being piloted. And that pilot would be guided by Terms of Reference. The first time the Terms of Reference went out for public comment, we, the BC, jumped on that as an opportunity to suggest what Tim just mentioned with regard to what we would say to the Board about expanding the number of seats held by GNSO on the ICANN Board itself. We'd be happy if they added the seats, but even happier if they took them from the NomCom. But the idea is the two extra seats on the Board would enable both NCSG and CSG to have their own Board directors who would also allow registrars and registries to have their own Board directors. It eliminates this compromised candidate problem which has not gone that well for us.

So we look for opportunities to bring that up. A Holistic Review is as good an opportunity as any to continue to beat that drum. So at this point, we need a volunteer or two to help draft BC comment on the Terms of Reference. As I said last time, it was Barbara, Margie, and I that drafted the comment. If you look at the comment, this is not a highly technical item at all. It's more about governance and structure, and it would be a great comment for BC members to volunteer to work with on that. I imagine that I can coax Barbara and Margie to help me on this comment, but any other BC members who'd be willing to get engaged on this, the Holistic Review Terms of Reference? All right, thank you. I'll be pitching some more when we all get together in Hamburg.

The second one is not an ICANN public comment, but rather something we discuss at every BC meeting, which is our ability to follow up with

European member states on their transposition of the NIS2 regulation. The importance of that for us is in the DNS abuse area. We believe that the NIS2 regulations will give more opportunity for us to get more registrant information to have more disclosure, if a couple of European nations adopt disclosure requirements similar to what they require for their ccTLD operators.

Marie? Anyone else on the call who has any updates on what's going on with the EU member states? Marie, please go ahead.

MARIE PATTULLO: Thanks, Steve. The directive, as you know, has to be changed, has to be transposed international law. There are some member states that are further ahead than others that already have a draft in front of their respective parliaments or governments. At the same time, in parallel, there is what is called a Cooperation Group. Now, this exists under the current NIS Directive. So it's continuing under NIS2. It's where the member states coordinate on all issues concerning cybersecurity. One specific part of that Cooperation Group is looking at our issue, Article 28, and its recitals. We understand this as being chaired by Finn Petersen, who is Danish. Some of you may know him. He's also the GAC representative Denmark, and Mason has already been in touch with him, which is great. They have not got much further than generally deciding that the issues that are most important to talk about are validation, verification, and accuracy. And they're supposed to have their next meeting in November.

At the moment, we have a high-level paper explaining the main touch points we would like the member states to act upon, with huge thanks again to Mason who's worked with Dean and some other members of COA on this as well, that we're in the process of rolling out within Brussels.

Now, Margie has already sent it to her contacts at ENISA, which is the European Union Cybersecurity Agency, and has already got a good dialogue going with them. I am going to be doing the same on Monday, which will be going with a targeted European targeted cover message because it's going from me, from AIM, not from the BC. And that will serve as the basis for me then to forward it on both to Finn Petersen, who I just mentioned as the chair of the Cooperation Group, and also to contacts within various points from the European Commission and the European IP Office.

After that, I've asked my members and sister organizations to—I'm using the word plagiarize, use rollout that comment as far as they can at national level. We're also reigniting the coalition that existed—again, thanks to Dean Marks—with a number of different groups, Patient Safety, Consumer Protection, Intellectual Property. We even had Europol last time around, so we're trying them again. So all of this is happening as we speak, Steve. I hope that's of use.

STEVE DELBIANCO: It is very helpful. Questions for Marie or other updates on member state transposition? The NIS2 Regulations is the subject that Day Zero Conference that eco is holding on October 20th, the one that Marie and I

will both be attending. So at least we'll hear more about their perspective on it. Okay. Marie, please go ahead.

MARIE PATTULLO: I'm sorry. It's when he said that, I forgot to mention that this event on Friday, Day Zero, is being organized by one of the sponsors of ICANN Hamburg, which is eco, the Internet Association. And in particular, by Thomas Rickert, who is, as you know, one of the councilors for the ISPs, although he does tend to speak out, say more as a contracted party. Thomas is on record as saying that NIS2 is backstabbing because the EU knows full well that all policies to do with gTLDs are made on ICANN, and that the European Union had no right to step into that space and how dare they, and they need to be told to back off. He's also on record as saying that the industry is concerned and worried by NIS2 because it's not technologically agnostic. In essence, the meeting on this Friday is going to be a selling point because a lot of GAC reps are going to be there to try to get them to understand that the contracted parties are lovely and wonderful, and that NIS2 is not something they should be terribly worried about. Also, ICANN Org, their Brussels office, is of course in contact with all the people that I listed before. I also know that they are making it known to the European Commission that they believe that the Commission overstepped, which I would say as a European lawyer, they did not. But nevertheless, I would like you to be aware that there is a tension. And the event that you mentioned, Steve, is going to be a sales pitch. Thanks.

STEVE DELBIANCO: That's interesting perspective. If eco thinks that the European Commission's NIS2 rules overstepped, that's a separate question than whether the NIS2 rules that were adopted will be transposed in a way that requires greater disclosure of registrants. And that is likely to be the case at least in some of the member states. I wonder whether eco might even ask them next week at the event whether they're considering challenging the NIS2 in court. Complaining about them overstepping only gets you so far if you don't challenge them in court. I highly doubt they would.

All right, let's go to the next item up which is Council. Marie, you're up here to discuss what's on Council. You tell me how to scroll and then I'll pick up on the other Council items after you're done.

MARIE PATTULLO: Thanks, Steve. I'll do this briefly. Mark can't be with us today. As you know, we had the Council meeting just after our last BC meeting. Nothing particularly exciting. The one that says "withdrawn" with that ridiculously long title, as you know, is about the—I want to say statement of objection—but a statement of interest—sorry, different argument—which is still flapping in the wind. We made it clear that we thought the Registries and Registrars pulling the rug on that vote less than 24 hours before Council was inappropriate use of process. We are still waiting, actually, to see whether or not there is going to be a change in the SLA language. I don't think there is. I'm a little confused as to what's happening there at the moment. But I will keep you posted, of course.

The RDRS, I'm going to pass over for now, Steve, because I'm going to hand that one over to you afterwards, if that's okay.

On SubPro, we now do have all of the so-called clarifying statements. Now, to put that in English, the Board had questions about what some of the SubPro recommendations meant. A small team of experts from Council went away and came up with some wording that Board understands, approves of, will work with. So there's going to be some more clarifying statements which are about the Registry Voluntary Commitments and the Public Interest Commitments. Now, because we've all discussed this at great length in Council, Paul McGrady, who is holding the pen here, is hoping we can do it by e-mail vote rather than having to come on to the agenda of our actual Council in Hamburg. But that's to be seen.

Auction proceeds, there's a letter that's about to go in from Council saying, "Yes, ICANN Org and Board, it's fine for you to get in touch with the people who were on the working group discussing auction proceeds, to see if they agree with what you're intending to do. But please note that we're a bit worried about what you're intending to do because you've actually changed the recommendations as to how the auction proceeds would work all by yourself as the Board without actually asking anyone." So that was still a bit open.

Closed generics, there's a letter that's also going in to the Board, which in essence says, as you know, facilitated dialogue was great, but it didn't come to a conclusion because nobody can agree. So ALAC and the GAC think that the Board should decide what to do. And the GNSO respectfully notes that we don't have the right to say that because

we're the manager of the policy process and we can't tell the Board what to do. So watch this space on that one. We've got already the main talking points for the multitudes of GNSO meetings that are going to happen with other parts of the community. We only got them today. I think you probably know what most of them are. It's only a draft. If you want me to send it out to you, I'm more than happy to do that on the premise that it's only a draft.

I will end on the fact that there's going to be a party, which isn't a party. It's a celebration for one hour on Saturday afternoon, the GNSO's 20th anniversary. You've all seen the e-mail. It has already come through on the CSG list between half past four and half past five on Saturday afternoon in Hamburg. That's it. Steve, over to you.

STEVE DELBIANCO: Thanks, Marie. Any questions for Marie on Council so far? Great. I'll dive into a couple of other Council activities. Arinola, you're with us. Is there any update on the Transfer Policy Working Group where you and Zak serve?

ARINOLA AKINYEMI: Hi, Steve. Can you hear me?

STEVE DELBIANCO: We do.

ARINOLA AKINYEMI: Nothing really. Just that currently the discussion is around the bulk transfers and a few other things. But basically, still doing the same thing [inaudible]. With time, we'll be able to get back to the BC.

STEVE DELBIANCO: Is the working group meeting when in Hamburg?

ARINOLA AKINYEMI: Yes. The working group will meet in Hamburg. We still have a call before Hamburg.

STEVE DELBIANCO: Okay. All right, thanks, Arinola. Lawrence, anything to add on GNSO Guidance Process. On our last call, we tried to give you the mandate necessary to push back hard on what Mike Silber, the chair, was wanting to do and excluding businesses from targeted communication about the Applicant Support Program.

LAWRENCE OLAWALE-ROBERTS: Yes. We had a meeting on Monday. By the meeting, the GAC had submitted their comments. In the GAC comments, they expressly stated a desire to see that for-profit organizations were also not excluded aside from the other [nine] comments that have come in before. So the GAC, Com Laude, and an individual, all submitted text that suggest that there should be changes made to our recommendation. With this, at least one member changed their position. That one member, I must say, is Thomas Rickert, and suggested that we adopted the new language. We

would have been able to achieve this at the last meeting but we had to wait until the next meeting. I guess, hopefully, more people in attendance who might want to kick against any changes as proposed. So I'm hopeful that by the next meeting, we will have reached a resolution with regard to Recommendation 1, which is where the interest of business should be taken care of. That will be all for me for now.

STEVE DELBIANCO: Thank you, Lawrence. Looking for the queue, in case anyone has any questions. And then the Registrant Data Requests System, RDRS. I represent the BC on what has now become not just a Council small team but a Standing Committee small committee. And the only thing I've got to say on that is that ICANN is about to launch for Registrars to get in for early access in November. They have drafted up a set of terms that you would agree to as a user. So the requesters, that would be our community, would agree to certain nondisclosure associated with GDPR before we requested data. And registrars have the option to register to be in the RDRs. If they do get in, they are also agreeing to certain terms, mostly with respect to the disclosure of what they learn from us when we make a request. I will attend a couple of sessions on that in Hamburg.

All right. The Subsequent Rounds of gTLD expansion with SubPro, Marie covered a little bit of that before. And we've already covered CSG when Tim Smith went first on the agenda. So that's it for the policy calendar, Mason. Over to you.

MASON COLE:	Thank you, Steve. Members, any follow-ups for Steve? Well, Tim has left the call, but any follow-ups for Steve, please? Questions? Okay. Thanks very much, Steve. Good report. We've got a lot going on. So to the extent that your members are going to be in Hamburg, we have a lot of work to do on site there. So let's be sure to stay coordinated. All right. Lawrence, over to you for Finance and Administrative update, please.
LAWRENCE OLAWALE-ROBERTS:	Thank you, Chair. With regards to my report, I'd like to focus basically on two major areas. But before then, again, another call for members to be reminded of the need to register for the Hamburg meeting, whether you're going to be there physically or joining remotely, there is a need to register to be able to assess the sessions, and particularly participate at the Prep Week starting from the coming week. Very interesting list of topics, basically tilting towards the next rounds.

So, currently, we are still in the process of elections for the BC officers. Nomination closes tomorrow, February the 6th, by 23:59 UTC. I want to thank members who have put forward nominees for each position. We have a nominee for chair, for vice chair of Finance and Operations, and for the CSG rep. We are still awaiting nominations for the vice chair of Policy. Please note that we have up till tomorrow for this to happen. Where we don't have any member interested, then our current vice chair for Policy, Steve DelBianco, will be called as well as still be put forward for this particular position. So I hope that Steve will consider stepping forward. If so, have members put forward the nomination before nomination closes tomorrow. Otherwise, we will have to extend nominations for another week.

With that said, we expect candidates to turn in their candidate statements By Monday, the 9th, that's next week Monday, after they have accepted or declined their nominations. We will be having our Candidates call on Thursday, the 12th of October. Please, let's put this down in our calendar. We already have calendar invites sent out. This is for 15:00 UTC. I believe that for those of us who have questions, we can submit those questions beforehand or come prepared to ask the candidates questions as regarding the offices they are vying for.

Please note that only members who are financially up to date will receive ballots for this particular election. And just the primary representatives. So for companies that have more than one representative, the ballots will go to the primary representative for that particular company.

You should start receiving ballots from Friday, the 13th of October, and we will run this voting process up until Thursday, the 19th of October. By Friday, the 20th, hopefully when we are on our way to Hamburg or preparing to join the meetings remotely, we should be able to announce the incoming slate of BC officers for the coming year. The officers will be taking their seats from the 1st of January 2024.

Many thanks to everyone who is participating in this process who have nominated someone, those who have seconded, and for members who have gladly put themselves forward, allowed themselves to be put forward for this at different positions. The BC appreciates all these efforts. If you would like to know, if by Friday you are unable to receive a ballot that's talking about the 13th of October, if by 13th of October you as a primary representative did not receive a ballot, please reach out to

myself or to Brenda so that we can look into that, especially if you are paid up for the year.

We are expecting one new member. Thanks to the Credentials Committee for a quick process. Once the member has gone through the process that is required for membership, they will be introduced to the BC, but hoping that we will also meet with them in Hamburg. The application for CleanDNS to join the BC has been approved and we're waiting for them to go through the process.

One final remark from my end is asking members who might desire— this is the 25th, the Hamburg meeting, this is the 25th anniversary of ICANN. And for members who might want to drop an anniversary note, maybe a greeting to ICANN, or share what their experience for the past 25 years and the expectation for the coming years ahead, we have an opportunity to squeeze this into the BC's newsletter for Hamburg. So if you can put this together within a week and send it to us, you will still be able to make a contribution for the next newsletter. Otherwise, we might find somewhere else to place that. So if you have something to say, a goodwill greeting, campaign about companies' participation in this ecosystem this past number of years, or any good word for the BC or for ICANN at large, please take this as a call to be able to put forward those articles to myself or Brenda so that we can see how we can process this if it meets our timelines. With this, if there's any questions for me, I'll be happy to take them. Otherwise, I will yield the floor back to Mason.

MASON COLE: Thank you, Lawrence. Any follow-ups or questions for Lawrence, please? All right. As usual, Lawrence is on top of his business and the BC's business. So thank you, Lawrence. Excellent report.

All right, we are at item four. So we're way ahead of schedule. So any other business for the BC this morning, please? All right. It looks like no hands.

I'll just repeat again that, as Lawrence just mentioned, we have our Candidates call next week. Please join that. That'll be on Thursday. That'll be the last BC meeting until we convene in person in Hamburg. Brenda, I believe we have a two-hour slot for the BC in Hamburg, correct?

BRENDA BREWER: Yes, you do.

MASON COLE: Excellent. So we have a little bit more latitude to discuss matters of importance in Hamburg. So if you do plan on being in Germany, make plans to be with the BC because we won't have such a hurried meeting as we tend to have had at ICANN meetings in the past. So we've got a good opportunity to collaborate and talk with each other in Hamburg.

Okay. If there's no other business then we will see you next week for the Candidates call, and then in a couple of weeks' time in Hamburg. The BC is adjourned. Thanks, Brenda, for the support. We'll see everybody next week.

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