

BRENDA BREWER: Hello everybody, this is Brenda speaking. Welcome to the BC Membership call on 5 September, 2024 at 15:00 UTC. Today's call is being recorded and is governed by the ICANN expected standards of behavior. Please state your name before speaking, have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. Apologies received from Lawrence Oluwole-Roberts and Nivaldo Cleto. And I'll turn the meeting over to BC chair, Mason Cole. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, good evening, everyone. Mason Cole here, Chair of the BC. Welcome to our call on 5th September. Good to have you on the call. We have the agenda on the screen. I do have one addition and that will be between items one and two. And that is a quick discussion of BC officer elections which are approaching next month. And then we've reversed the order of Tim's and Steve's updates to accommodate Tim who has to depart the call a bit early and then we'll move to AOB. Any other additions or updates to the agenda, please?

Right, don't see any hands. All right, very good. Let me just introduce the topic quickly on BC officer elections. Those are coming up. And first I want to give a quick opportunity to current officers to talk about their plans for either standing for re-election or making alternative arrangements. And then, Brenda, I'd like to talk quickly about just the timing in terms of expectations of when those elections will occur. And

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I think you have-- oh, there you go. You've got it right there on the screen. Good job. So, let me just open the floor quickly to anyone on the BC who'd like to talk about this topic quickly. Do I have any hands? Marie?

MARIE PATTULLO: Never being one to let you be in silence, Mason. Hi, everybody. For transparency, I am intending to stand again as your CSG rep, but please remember this does not mean I will be your CSG rep. You decide who does that. If you have any questions at all about what those entails, if you want to stand against me, go for it. More than happy, of course, to talk to anybody about this. Thanks.

MASON COLE: Thank you, Marie. Excellent. Anyone else like to bridge this topic, please? Steve?

STEVE DELBIANCO: Thanks, Mason. Like Marie, I stand ready to assist anybody on the BC who's ready to consider or throw their hat in the ring formally to be the next Vice Chair for Policy coordination. That's a role I've held for 13 years despite a term limit provision. And it's kind of bittersweet for me, but I'm going to let you all know right now that I will not be standing for Policy chair or any other officer post in 2025. So, this is my last term as your Policy chair. It has been an incredibly rewarding experience, and that is one of the reasons I would encourage BC members to step up to this.

I sort of have a formula to execute this job. And the formula starts with a couple of hours preparing the Policy Calendar, and that forces me to be so focused on everything that's coming up, that's in process. I'm so gratified to the volunteers that step-up time after time. And there's a handful of you that step up more than almost all others, but a lot of new people that have stepped up too. So, I am happy to assist. I'm not leaving the BC. I'll stay active in the BC with the assistance of Bartlett Cleland who helps me at NetChoice. But neither of us will be standing for Policy Chair. NetChoice's battlefield, I would call it.

NetChoice's battlefield is significantly expanded with all of the Supreme Court and US District and Circuit Courts that we work in. Now I am needed as CEO of NetChoice in ways that make it impossible for me to do this anymore. So, that's my pitch for having BC members step up and you will get more assistance from me than you will need. So, please don't be shy about it. And you can reach out to me privately or publicly and I'll begin to coach you on what it takes to step up. I hope we have multiple candidates because a lot of you are very qualified. Thanks, Mason.

MASON COLE:

Thank you, Steve. And on behalf of the BC, thank you for 13 straight years of exemplary service. This is, we might as well name the VC role, the Steve Del Bianco vice chair seat for Policy and Implementation because you've done more work on behalf of the BC than probably anyone and all of your colleagues appreciate it. So, thank you. Tim Smith, please.

TIM SMITH:

Hi, and I just want to echo that and thank Steve for all his years of service. I have not been the most prolific Public Comment contributor over the years, but anytime I have contributed, Steve has always been there to guide me and to help me. And I know he's done that for everybody else. So, truly appreciate all of his work over the years. Switching to my own situation, I will not be seeking re-election to the vice chair of Finance and Operations for the coming year. I am hopeful that there are other people within the ranks of the BC who are interested in that role. And I know that we now have an active Finance Committee with some good participants on it. And I have heard through the grapevine of a couple of other people who may be interested in the role.

So, I'm pretty confident that there will be a good field of candidates to consider when election time comes. But I'm not in a position to continue in this role into 2025.

MASON COLE:

Tim, thanks. Sorry to hear that you won't be able to continue. You've done a fantastic job as our Operations and Finance vice chair. And like Steve, I know your BC colleagues are going to be sorry to see you go from the ExCom. So, one brief item, and then we'll talk about procedures going forward. And that brief item is that I'm in my fourth year now as chair of the BC. I'm technically term limited out. If there is a candidate who is willing to stand for chair, I of course will yield. But if

no candidate is available, then I am willing to stand for chair again for 2025.

So, I just wanted to let BC members know of that. If that's of interest to you, then I'm willing to continue serving in the role. Now, we have some elections coming up. Brenda, would you give a very brief overview of our timeline here? Do you mind?

BRENDA BREWER:

Hi, Mason, this is Brenda speaking. It's on the screen for all to view that we will start nominations September 20th, which is a Friday. And nominations will run for two weeks, closing on Thursday, October 3rd. And then the people who have been nominated will have up until October 14th to get their candidate statement in. They send that to bc-private@ICANN.org. And then we'll have our October 17th, the membership candidate call, where all candidates will have an opportunity to speak about their goals. And of course, then we have elections will take place for one week, starting October 18th. We'll announce the results. And on January 1st, 2025, the new officers take their seat.

MASON COLE:

Okay, thank you, Brenda. So, this follows our usual timeline for elections of BC officers. And you'll notice that today is 5th September. We have 15 days for nominations for interested candidates who would like to stand for open roles to get themselves together and find somebody to nominate them and stand for the roles. So, if you are interested in any of the executive roles in the BC, and you'd like to talk

to an ExCom member about that, I encourage you to do it sooner rather than later so that we can have a full slate of candidates.

I don't want to speak for either Tim or Steve. I'm sure that they'd be willing to talk to you about the intricacies of their roles. If you're interested in those, I believe there is some interest in the BC for filling the vice chair roles. I don't know about Marie's or my offices, but anyone on the ExCom would be happy to talk to you about what's involved, not only in executing the role itself but in being a productive member of the BC ExCom. There are additional duties that go along with that other than the, you know, for example, in Tim's case, just counting the money. So, there are ExCom duties beyond that that we'd be glad to fill you in on.

So, make your interest known, talk to one of us and stand for an office and everyone, all your colleagues would be appreciative. Tim, Marie, Steve, anything to add to that before we move on to the next agenda item? No? okay, very good. All right, Jimson, please.

JIMSON OLUFUYE:

Yeah, thanks, Mason. I just want to chip in just a piece of suggestions for the outgoing officers or officers that would like to withdraw. That may be good for us to begin to work on handover notes, maybe routine formal processes that could help upcoming officers. A documentation of what we have been doing and things like that. That would really be of great help for new officers. That's just what I want to suggest.

So, maybe we can begin to prepare with the procedures and advisory so that when someone comes in again, apart from verbal discussion, that

could be something that could be of reference for the new officers so that there could be flawless transition. So, that's my suggestion, thank you.

MASON COLE: Excellent suggestion, Jimson. Thank you very much. I would encourage my ExCom colleagues to do precisely that. That's a good way to prepare new officers for the roles. And the roles at times are significant and the more detail that you include, I think the better prepared someone will be for that role. Jimson, is that an old hand or new hand?

JIMSON OLUFUYE: It's an old hand.

MASON COLE: Okay. All right, thank you. Anyone else on this matter, please? All right, thank you. Brenda, if we could have the agenda slide back. Thank you. And we're going to move to agenda item 2, and that is Finance and Operations Updates. So, Tim, over to you, please.

TIM SMITH: Thanks very much, Mason. And my apologies, I feel a little bit behind in my work. I've been traveling for the past couple of weeks. And if I sound a little bit hoarse, it's because I'm still half asleep. But my report is short and shorter because we've already covered off the election topic. A couple of weeks ago, I did post the FY25 Draft Budget to the member page @ICANNBC. org and four comments from the

membership. Did receive one comment. The draft budgets have now been recirculated back to the BC ExCom and to the Finance Committee. And I apologize to the Finance Committee for only getting to that while I was in the airport, one airport last night, but you have it. And I've already seen a couple of comments.

So, I'll be collecting comments and input from both BC ExCom and from the Finance Committee in an attempt to get our budget for FY25 finalized. And that should probably be done very shortly. So, I won't dwell on that anymore. You've all had a chance to review it or if you've been interested, taking the chance to review it. Other than that, of course, ICANN81 is coming up and we are still in the process of trying to secure an Outreach for us to attract new members, which is very vital given our financial situation.

So, that's something that we're working on and we are working on sponsorship, trying to find sponsorship for an event. And as a matter of fact, this is subject to the finalization of the budget, but us holding an Outreach may be completely contingent on having some sponsorship for that. So, I just want you to be aware of that. And other than that, I think the only thing that I would want to report on because you can never not report on it is that we will be putting a newsletter out in advance of ICANN81. The past one went out, I think on the eve of ICANN81, and I would certainly want to try to do better than that, but it really relies on input from the membership to tell stories about the importance of ICANN, the importance of the ICANN BC to the work that you as members do.

So, I'm giving you the heads up right now that I would like to see, I would like to see reports for the ICANN BC newsletter by around, I'm not going to put an exact date on it, but the middle of October would be ideal. That gives us a week or so to turn it around and get it out in advance of ICANN81 and to be used as a promotional tool for ICANN and the business constituency. So, that's all I have to report to you today. And I would certainly take any questions if you had some.

MASON COLE:

Thank you, Tim. Questions for Tim, please. Tim, looks like your queue is clear. So, thank you very much for that report. And if there are no questions or suggestions for Tim, we will proceed to item number three on the agenda, which is the Policy Calendar review. Steve, the floor is yours.

STEVE DELBIANCO:

Thanks, Mason. And thanks all for your kind wishes in the chat over the decade of service. And I'm not going away, just not going to be your Policy chair. And I'll be happy to participate and coach whoever can step up. I'm going to put the Policy Calendar up right now. This is circulated yesterday. This particular one, I have just one new comment since we last met, and that was on the 3rd of September. Thanks to great work by Mark Datysgeld and Vivek, we filed on the Latin Script Diacritics. ICANN staff wrote me yesterday to say that our comments will be reflected in their summary, which should be coming up in the next three or four days.

In terms of new comments, there's quite a bit out there right now. Now, the first one up here is the need for us to comment on the Data Processing Specification, which is really Data Processing agreements. Those comments close on the 9th. And we have a draft that you all saw two weeks ago. I can display that draft as well right now. So, giving an opportunity to Segunfumi, Margie and Steve Crocker, if you want to add anything more about what's in there.

So, I'll pick a new share, bring that up for you right now, and they have it on the screen. So, this is a relatively brief comment where the BC talks about data protection, data access and concerns and audits. And I think it's important too, to pick up the point that Steve Crocker helped emphasize on Privacy and Proxy Services. PPSA audit for the Privacy and Proxy Service Accreditation Initiative is another element of this as well. And keep in mind that so much of this is going to depend on how transposition of NIS2 will impose new requirements on Registrars and even registries to make available this information.

So, it's a moving target. And you'll see, I discussed this later in the council section, because we want to be sure that council is reminded at every turn and that ICANN already is reminded by the BC at every turn that NIS2 is going to change the requirements. And while ICANN should probably steer clear of conflicting with the components, they ought to embrace what NIS2 is requiring and assist the contract parties and being able to comply with NIS2.

And it doesn't necessarily mean attempt spec, but it does mean that ICANN should own this responsibility instead of pretending it's not their problem and that the Registrars and registries should handle it all

themselves. So, I'd like to ask whether Segunfumi, Margie or Steve Crocker, would any of you like to invite comment or explain anything further on the document I have on the screen? Okay. Steve Crocker, please proceed.

STEVE CROCKER:

Yeah, only because you've asked for it, but I thank you very much for putting all this together. I don't have anything to add. I'm paying close attention, of course, to the Privacy and Proxy matter. There is no sensible way that ICANN see to reconcile the sort of hodgepodge of requirements that are coming forth with Privacy and Proxy services. And one way or another, it's just going to be a mess. So, I invite anybody who wants to think hard about it and to propose a more coherent model to do so. In the meantime, we just sort of stumble forward.

STEVE DELBIANCO:

For Steve Crocker, that was an inspiring statement because Steve is ICANN's favorite skeptic when it comes to the ability of this organization to pull it together. And as former chairman and leader of the Board, I take that very seriously, but I have watched as Steve has given us an example that if you have the right level of persistence, a sense of humor, you actually, you can actually turn this battleship a few degrees at a time. And I hope we can do that. And it doesn't have to be ICANN alone.

We can take a look at initiatives that could come from the private sector and other nonprofits to solving the issue of registrant identification. It

may not have to be something that ICANN does, especially if they're unwilling to do it right.

STEVE CROCKER:

Let me just add one thing. I have heard from multiple people, not all within BC, a sense of fatigue about trying to deal with these issues. And let me council that it's worth pushing even harder. And further, one hopeful thing that I'll suggest is I think the time is actually now where there's a chance to make some serious improvements. We'll see. Some of it, of course, will be dependent upon how the new CEO engages and where they focus their attention and equally where the Board focuses its attention. But I would hope that we're coming to a point where the kinds of questions about how is all this supposed to fit together, actually get taken seriously. Thank you.

STEVE DELBIANCO:

Thank you, Steve. It's a very strong comment and eager to hear whether Sigmund Fumi or Margie want to add anything to this. If not, I'll take comments from any BC member. We're going to be filing this on the 9th of September. There's a link to it in the Policy Calendar. And moreover, I've included an attachment of a PDF for those of you who don't have easy access to Google Docs.

All right, back to the Policy Calendar. Again, last call for any questions or comments. This will be filed on the 9th. Second one up is, there are Fundamental Bylaws associated with the Grant Program. This has been a long running discussion where ICANN first used this proposal to try to limit the ability of accountability mechanisms, the ones we designed in

the 2016 transition of IANA. I'm happy to say that ICANN backed off of that and overreach on accountability and has narrowly now adopted a simple statement that you could not use an accounting mechanism if you wanted to challenge a decision of whether or not to give an application, to honor your application to get a Grant.

So, that feels very narrow. And my proposal two weeks ago to you was that we would give a one-word answer that we support the amendment proposal. This is important because it's a fundamental bylaw that requires positive approval of the empowered community. Two weeks ago, a number of you brought up a question about whether the IPC would concur with this. And I have not gotten an answer on that. Possibly I wrote to the wrong people.

Do any of you have insights from the IPC about whether they would agree with this? It's not due till the 16th of September. Any insights? Looking for hands just in case I don't want to miss that. Mason, should I break to Lori?

MASON COLE: Yes.

STEVE DELBIANCO: Okay, I'll do that after this call.

MASON COLE: Thank you.

STEVE DELBIANCO:

Next item up, IRP or Independent Review Process in one particular area. And it has to do with the Independent Review Process Supplementing Procedures. Those comments closed the 16th of September and it's an opportunity to affect the process, particularly on timing. A big thank you to Chris Wilson from Amazon. We developed this nifty outline, which I'm going to display for you now. And it's only a little over two pages. And I believe that it's a perfect thing for us to use as a guide for how we would file. You can see it right now on the screen where Chris has said when it comes to the time of filing that BC, we supported it. Back in 2018, we recommend the calculation. There's a current proposal and then a BC comment right here.

So, I got to be honest with you, Chris Wilson has done all the work already. And would anybody else with experience at the IRP like to pitch in or assist me at turning this into a BC comment that we submit? So, I am looking for another name. And Chris, if you had any further thoughts about it that you'd like to add to this outline?

CHRIS WILSON:

Thanks, Steve. No, nothing really to add. I think hopefully it speaks for itself and it's fairly turnkey for putting it into as a Public Comment. But I think hopefully everyone sees that it's consistent with previous BC positions.

STEVE DELBIANCO:

Chris, thanks again. Everyone's had it for two weeks. And this is, in addition, practically a last fall for what we're going to put in. And I'll make sure this gets filed. Any other comments? And thank you, Ching, for pitching in on bylaws amendment. All right, I'll go back to the Policy Calendar. I know it's a pain in the ass to switch around like this. That's one of the key skills of your vice chair for Policy is I know how to run a Zoom call.

Okay, next item up is the Draft Strategic Plan and op plan framework for the next five years. Those comments close mid-September. And we already have volunteers, David Sneed, Sigmund Fidyke, and Tim Smith. And again, your comment doesn't have to be extensive. We can pick and choose just the elements you wish to comment on. And the BC has a proud history of commenting on this.

We'd love to have something out by Monday or Tuesday of next week. Tim, Segunfumi, Fidyke and David, do you think we can get a draft together for next week?

TIM SMITH:

Yeah, my piece is ready to go.

STEVE DELBIANCO:

Fantastic. I can consolidate those pieces into a Google doc for sharing. And as you know, the form that they use allows you to skip questions and answer only the ones you care about. We don't have to supply, David, a ton of narrative. It doesn't have to feel formal. It should just be very responsive to the questions that we think are important and

answer only those questions. That would be sufficient. And then after I pound all those answers in, I consolidate our answer into a PDF that I can post on the BC website so that we have a historical record of what we've replied to. So, I'll be bothering you three on Monday and Tuesday to get something to the BC members to give them seven days to review.

Okay, next item up, the Transfer Policy. Zak and Arinola lead us on this working group. There was one webinar yesterday. There's another webinar next week. And those are not replica webinars. They're individual webinars. Now, Zachary and Arinola, while you have led with this, I'm grateful to Tess, Sven, and Rachel for stepping up to help. Has the team gotten together to begin any drafting, Zak?

ZAK MUSCOVITCH:

Hi, Steve, this is Zak. No, not yet. We were hoping to complete the webinars with the next one being on Monday before commencing the drafting process, but in anticipation of that, I hope to get a skeletal preliminary draft to the group later today.

STEVE DELBIANCO:

Oh, that's well in advance because it's not even due till the 30th. Thank you, Zak. Be able to use a Google Doc for group editing and review?

ZAK MUSCOVITCH:

Yes.

STEVE DELBIANCO: Awesome. Let me know what I can do to help further, but I'm glad we have a full team.

ZAK MUSCOVITCH: Thanks, many thanks, Steve. And just while I have the mic, thank you so much for all your years of irreplaceable, incredible service to the BC's Policy Chair. We can't thank you enough, truly. Thank you.

STEVE DELBIANCO: No, thank you, Zak. That's very kind of you. And you're one of the key contributors. You're the one that makes this job a lot easier than some people may believe. Thank you. All right, next item up is our general work on this too. And highlighted in yellow is something that's highly specific. It's at the bottom of the page and that Mason who's been watching like a hawk whenever we have a national member, a member state who's considering implementation transposition of this too. They open up a Public Comment period in most cases.

Mason's been fabulous about keeping track of that. We did it for Bulgaria, the Netherlands, for Sweden, and for Belgium. There is another comment period closing, I believe tomorrow. And we would love to finalize today the attached draft response where we copied what we did for Bulgaria, the Netherlands, Sweden and Belgium and adapted it to whatever format the Romanian government is looking for. Mason, is there anything that is in that draft which differs in any material way from the previous four submissions?

MASON COLE: No, not at all. It's very straightforward. It'll be the same content, the same advice to the member state government. And as you point out, the deadline is tomorrow. So, I will plan to submit it tomorrow morning, early U.S. time in order to meet the Romanian time zone difference.

STEVE DELBIANCO: BC members, you've had a chance to see these things come through before. Are there any questions, comments, objections to us filing the fifth in a series of these two comments? Mason, you and I can chat offline about whether you would submit or I would, but in any case, I'll be able to create the PDF and put it on the BC website. Okay. Marie, we always turn to you and Sven for insights on the NIS2 transposition process. Do you have anything to add?

MARIE PATTULLO: The only thing I can add is, as far as I know, the draft law in Germany is still being discussed in parliament and we're expecting the laws in Latvia and Austria and Italy to come up to their parliaments. But I can't share any more than that. In other words, it is an ongoing process at national level.

STEVE DELBIANCO: Sven, I know you're pretty well involved in the German process. Do you have anything to add?

SVEN ECHTERNACH: Yeah, Marie is right. Sven here. So, it will probably be in October that it will go through the German Parliament. And so, it's probably going to be spring when it's implemented. And also, a big thanks from me, also, Steven, for your great service as a Policy Chair.

STEVE DELBIANCO: Oh, thank you, Sven. Okay. Turning now to council, which we call channel two or band number two. The previous council meeting we discussed already, it was early in August. Okay. The next council meeting is coming up on the 19th of September. We don't even have an agenda yet. It's due the 9th, but we fully expect it to include an item that was a carryover, deferred from the previous meeting. And it has to do with the Accuracy Scoping Team.

So, Accuracy refers to the accuracy of the registrant data that the Registrars have collected and maintained. And for years, BC was concerned about terrible accuracy, even though the Registrars have very accurate information since they obtained a credit card and charged it for the registrant. They were unwilling to enforce any kind of accuracy provisions on the publicly displayed or non-public display of registrar information.

So, council created a Scoping Team to scope out what accuracy would look like. This has gone on for years. And they have a couple of recommendations about a survey to the Registrars and an audit, which are going to be voted on in terms of rejecting them. The motion up is to reject recommendations one and two. On our last call, Lawrence, we had a pretty extensive discussion of having you amend that council

motion so that in addition, it creates a standing committee. I guess they sometimes call it Small Team.

I think we'd better call this a Standing Committee. A Standing Committee managed by council that would monitor further NIS2 transpositions regulations and then report to council on the implications that they have on the Accuracy of Registrant Data. So, it's a way of forcing council to pay attention to the NIST 2 transpositions. It forces ICANN staff to support us on probably having calls every two weeks or so for people that sit on that team. And I'm looking right at you, Sven, to be our representative on that standing committee if we're lucky enough to get it. So, with that said, Lawrence, I don't know of anything else that's on the agenda for your 19th September. I'll turn it over to you.

LAWRENCE OLAWALE ROBERTS: Thank you, Steve. So, we still are putting together items on the agenda and it hasn't been finalized yet, but definitely the issue that you just spoke about will be up for discussion as it was defied from the last meeting. Just to add that what was proposed is a council Small Team and in the direction the BC is willing to go, I might be asking for some kind of amendment if the team could be enlarged beyond the council. That will be part of the discussions we will have at the next meeting and hopefully after that meeting there will be some information on the direction that will be going with regards this topic of interest.

I know that there will also be some discussions around the Quebec singulars and plurals, but I don't have anything significant to report from

the last meeting because we've not had much activity on the council side.

STEVE DELBIANCO: Thank you, Lawrence. I would say that between now and the meeting, if you come up with the language that you have in mind to amend that resolution, feel free to circulate it to BC private. You're of course going to want to have Mark Datysgeld and Vivek be tuned into that and if we need to supply further argumentation for that to help you get that amendment adopted. Do you know whether you can get the IPC to second it?

LAWRENCE OLAWALE ROBERTS:I intend to socialize with the IPC and a few other constituencies that might be favorable to having a Small Team work on this further, but I know that definitely the IPC has something up their sleeve and I will be interfacing with Damon and Susan to understand what they are proposing and also to chip this in and see if we could fly in the same direction with this particular idea.

STEVE DELBIANCO: Any chance we could get contract parties to support?

LAWRENCE OLAWALE ROBERTS:They're looking to kick this off the table.

STEVE DELBIANCO: We are agreeing to reject recommendations one and two.

LAWRENCE OLAWALE ROBERTS: So, rather than agreeing to reject recommendations one and two, IPC came up with that idea. Was it IPC? I shouldn't quote IPC because I'm not too sure, but the idea came up that we should have a Small Team that will look at this further. So, I want to believe that part of the mandate of the Small Team will also include if we will continue to retain one and two or give up that there is nothing that can be done because ICANN seems to say their hands are tied and then propose new alternatives.

STEVE DELBIANCO: Lawrence, I would recommend thinking about this. Here's an idea. To get the contract parties on board, we could simply say that we are not going to accept recommendations one and two at this time. That will make them happy and then say that, of course, we need a Small Team to monitor in these two transpositions to determine if and when recommendations one and two might come back or other Policy Implementations. So, there might be a way. I mean, frankly, if we don't win the vote, it really doesn't do us any good to propose an amendment.

So, I'm thinking that it would be better to find a way to get the Contract Parties to agree by saying that we would agree that at least for the time being to put a hold on rec one and rec two. What do you think of that?

LAWRENCE OLAWALE ROBERTS: Yeah, that could be a way to go to get them to listen and try to work with us. So, that could be a strategy.

STEVE DELBIANCO: Excellent. Margie, I saw that you joined and earlier we covered the Data Protection Specifications. We didn't get any edits to it and is there anything you want to say about it, the draft that I circulated?

MARGIE MILAM: Oh, thank you, Steve. It's Margie and I apologize for missing the call. I had a prior engagement. Yes, what you see in the red lines or the proposal that we have, took a look at the Data Processing Agreement and saw where it could be enhanced or address issues that we've seen in the past. And in particular, the area of accuracy is a good example of this. One of the reasons why the survey is being contested is because ICANN doesn't even have the information to be able to do some sort of survey on the Accuracy.

And so, if you take a look at the Data Processing Specification, it doesn't, as currently proposed, doesn't address allowing ICANN access to that information for things that are needed either for their cybersecurity investigations or for conducting surveys as part of the Policy processes like this. So, that's an example of the type of comment that we made. We just kind of took a look at what was there and what was potentially missing and made suggestions along those lines. And so, we just wanted to firm up the ability for ICANN to have access for compliance purposes, for surveys. And that's what you see in the proposal.

STEVE DELBIANCO: Thanks, Margie. Appreciate that. We had covered it earlier, and I'll be posting that on the due date.

MARGIE MILAM: Thank you.

STEVE DELBIANCO: Lawrence, anything further on the upcoming council meeting? And if not, I'll turn to the other council activities.

LAWRENCE OLAWALE ROBERTS: Nothing more to add. And that will be all for me.

STEVE DELBIANCO: Thank you, Lawrence. Appreciate it. All right. There are a couple of activities in council that we keep track of. Nenad represents the BC on the Working Group for the Continuous Improvement Program. And so, this is an opportunity for me to invite any of our representatives to give an update right now. Let's see Nenad. Go ahead.

NENAD ORLIC: I'm here. Can you hear me?

STEVE DELBIANCO: We do. Please go ahead.

NENAD ORLIC:

Yeah. I've been a very bad representative until now, because things were not interesting until now. Let me put it that way. Until now, it was like a standard work group. I will watch my language. I can, but now the things lately have become interesting. And that's why I need to get involved much more, and why you need to get involved much more. Basically, I have sent a short report. I don't know, have you seen it? But basically, what's been happening is the sudden push that a new Continuous Improvement Program should not relate to GNSO sub-structures, meaning us also. And that can have some serious implications in the future.

And basically, since it's not my job, my job is to report back to our constituency and relay back information to the group from our constituency, my personal opinions are irrelevant here. And I think this is a bad thing for your information, but we need to track this and see how it's going to be. And also, another development is that basically, it looked like there is at least a broad agreement about the main principles that would be maintained in a Framework for Continuous Improvement Program. But now, we have voices that say, no, there is no such thing, and we demand changes.

So, suddenly, it became interesting. There are these dissenting voices. And like I said, for me, initiative that I do not like, that basically only GNSO in total should be considered as a Review Process or basically Continuous Improvement Process, because that could have some bad implications, in my opinion, for us as business constituents. That's the shortest thing. I don't know if any of the council members that are

present here, do you have an opinion, because council now should be involved too.

STEVE DELBIANCO:

Nenad, we had a long history of wanting to try to get the rules changed for the structural representation on council. They went from weighted voting to a split house process, but gave the Non-commercial Stakeholders Group the ability to completely offset what the Commercial side, is done. So, we are always very keen to watch for these so-called Continuous Improvements to see if there's an opportunity for us to switch the way that we are represented and the way in which we're weighted. Do you have a calendar for when we need to provide comments on that latest report?

NENAD ORLIC:

Well, the thing is now, there will be a next meeting. It would be very wise to have a broader presence of BC members as a GNSO coordination group that was suddenly created by Chris Disspain. That is the vehicle for promotion of a unified approach to GNSO disregarding the substructure and the groups beneath. I think that should be more looked into. As I said, I do not have more information what this is about, because it's sudden. This doesn't exist as an idea or suddenly it was not pushed like this even a month ago.

As for our comments as such, it's like I said in the report, it's the last minute to do so. It's my fault it came to the last minute, but until the last meeting, only the half of contributing representatives have put on their comments from their groups. So basically, we are not the worst.

STEVE DELBIANCO: I would ask you to do it. Let's not wait for the two weeks from today to discuss it. In between that and now, could you draft an email to the BC with not just the links that I have there in the comment, but the report itself. Include some of your personal observations about what potential changes we might be able to push forward, alerting the BC to risks and threats that you see in there. Then I will edit that with you, since I know you haven't done this before with the BC, and we'll push it over to BC Private and invite a dialogue instead of waiting for two weeks now. Invite a dialogue with the BC via email. Would that be okay?

NENAD ORLIC: Okay.

STEVE DELBIANCO: So, send me a draft over the weekend. I'll be watching.

NENAD ORLIC: Okay, I will. Even sooner.

STEVE DELBIANCO: Thank you. The second item up is the RDRS where I serve as the BC rep, and I'm happy to continue to do that even next year. Steve Crocker is the rep for the SSAC, and we've been the one-two punch of the two Steves, although we haven't knocked anybody out with our punches,

but we never stop trying. So, Steve, I would say to you, do you have anything you'd like to report to the BC on RDRS?

STEVE CROCKER:

I noticed today just a headline that the upcoming Board workshop preparing for Kigali has on its agenda something about RDRS. I haven't looked at the rest of the message to see the details, and the question that arises in my mind is, is there something that we can or should do? Any messages we want to send to the Board and so forth? So, as I said, I just saw that just before this meeting. I'll take a look at that and see where we go with that.

STEVE DELBIANCO:

Thank you, Steve. We have to be conscious of the risk that Sarah and the contract parties will try to encourage the Board to cut short this experiment of RDRS, suggesting that demand is insufficient to justify continued. I have a feeling they will begin to pester the Board to shut this whole thing down. That's the vibe I get on the calls. So, let's be aware of what they may do, which might force our hand to say why we believe it should be continued, but we believe it should be continued with some different parameters that I know you've been articulating on the calls.

STEVE CROCKER:

Yeah, that's a big question in my mind. Here's the sort of the risk framework that I see. RDRS was put forth after the whole SSAD major project collapsed, and it was couched as an experiment. And if you take

that word seriously, what are you testing when you do the experiment? And the claims are that this will say sort of testing what the volume is, what the demand is, basically.

STEVE DELBIANCO:

And you're saying that we're assessing the demand for a benefit, for a product that does not fit for purpose of the demand. So, they are not evaluating the true demand for the kind of responsive disclosures that we know there is demand for. So, we've continued, you and I have continued to position this as that they're testing the wrong system if they really want to assess demand. I think that's the message we have to bubble up to the Board.

STEVE CROCKER:

Yeah, and then the question, very, very well said, thank you, that all of the data that they're getting, in my mind, is irrelevant because they're noodling around with the final detail, every little detail about the reporting and so forth. But when you stand back and look at it, it would all be thrown out in any sensible evaluation. So, then the question is, if you continue, what is the value of that? One of the consequences, of course, is it just burns up more time. And a more subtle implication is that when they complete the experiment, they will say, okay, look, we did this, and here's the data. And on the basis of that, here is what the future decision, future system should look like.

Do we have to go ahead with the original SSAD or so forth? Instead of backing up and saying, okay, that was a complete mistake. Let's unwind this back down to the fundamentals. What are we trying to

accomplish? What do we need to know? And how do we get there? I don't think that they're there yet. I'm not sure whether shutting RDRS down or continuing RDRS, which path leads you in a better direction in terms of looking at the fundamentals.

STEVE DELBIANCO:

I do believe we could do this. We could pursue the fundamentals, but in parallel suggest that RDRS will change the way it behaves because Registrars will change the way they behave, as they have to follow NIS2. So, suddenly the voluntary participation in RDRS is one thing, and yet the Registrars themselves who have to comply with NIS2 because of jurisdiction imposed by a member state will start to actually disclose information. And we prefer that they do it through RDRS so that RDRS becomes aware of a greater amount of compliance of NIS2.

That might be an angle for us to pursue. It kind of ties in with this council motion of a Small Team on the transposition of accuracy requirements because NIS2 is not just accuracy, it's also a disclosure. What do you think of that?

STEVE CROCKER:

I applaud. I think your point is very well intentioned. I actually don't think I agree with you because I think in addition to the compliance with NIS2, there are some other first order issues. The position that ICANN has taken is that they want to be in the middle of this and they don't want any risk. I'm empathetic that they don't want any risk. I don't see any reason why they have to be in the middle of things. And a

centralized system, whether it's RDRS or SSAD or anything else, I've come to believe is the wrong strategy.

The larger picture is that ICANN has remained focused on what they can do with the contracted parties. The problem that they're addressing is applies to the entire ecosystem, the entire DNS ecosystem. And by having blinders on or very focused on the contract parties, they're not fulfilling their obligation to work with the full internet community and represent the full internet community. And they're not taking advantage of the fact that there is an incredible amount of expertise, smarts and energy in the half in the contract, in the CC, sorry, in the contract.

STEVE DELBIANCO: Country code, right?

STEVE CROCKER: Country code, thank you. I'm going to be like Biden shortly.

STEVE DELBIANCO: No, you're not. No way, no way. Okay. The time that remains, I want to quickly give Imran a chance to say, do you have anything to report on SubPro. Imran?

IMRAN HOSSEN: This is Imran. Today there was a meeting like two hours before of the IRT Group. So, there was a discussion about the New gTLD DNS Security

and Stability. There is a mentionable topic was like the number of TLDs delegate in the root zone should not exceed a 5% monthly increase. And there is another thing. The DNS Stability Review ensure that New gTLD Strings do not compromise the security or the stability of the DNS by seeking compliance with technical standard.

And there are few standards mentioned there. So, if any applicant cannot meet the requirement, they can appeal if they believe that it was something else. So, this two actually the mentionable discussion there.

STEVE DELBIANCO: Thanks Imran. Mason, I realize we're bumping up against time, but I do know we have multiple members of the PPSAI Review Team, IRT. And is it okay to get a report for them or should I hold that for next week?

MASON COLE: No, go ahead, Steve. Thanks.

STEVE DELBIANCO: Margie, you're our rep, Steve Crocker, Rachel, and Zak. Anything you want to tell your colleagues about the PPSAI Implementation Review Team?

MARGIE MILAM: Hi, it's Margie. It's going slowly. I think Steve Crocker's raised a lot of really good questions about some of the Implementation. And I think

ICANN is trying to figure out how to address some of the concerns that have been raised. So, we're just going through a very slow process of identifying questions that relate to what the original Policy was. And we really haven't made much progress.

STEVE DELBIANCO:

I note that, and Steve, I'll call it in just one moment, but I note that in the draft comment that you and Steve worked on, on the Data Processing Specification that we do mention the Privacy Proxy Services. So, it's always good for us to tie in multiple comments at the same time. Like Steve and I beat up on the RDRS when it comes to Privacy Proxy, that they think it's responsive to a disclosure request to simply say, it's already disclosed. It's Proxy Service. So, let's continue to hammer that. And then Steve Crocker, your hand's up. Please go ahead.

STEVE CROCKER:

Yeah. You may recall that the PPSAI meetings are typically scheduled to overlap with this meeting here. The fact that I'm here is really the fact that they canceled this week's meeting. And they're only every two weeks. So, that's a four-week hiatus between meetings. The reason they canceled it is because they have too much to think about and have to go back and focus on it. I'll translate that for you. They blinked.

STEVE DELBIANCO:

Oh, that's good.

STEVE CROCKER: Yes. We'll see what comes out of it. But the absence of the meeting and the related messages suggest at least we got their attention.

STEVE DELBIANCO: Excellent. Rachel, Zak, anything to add? Okay. Time to turn it over to Marie for CSG. Again, apologies for going so long on the Policy Calendar. Marie, it's all yours.

MARIE PATTULLO: Thanks, Steve. I will be very, very quick. Firstly, please do register for Istanbul, which is the upcoming ICANN meeting if you haven't yet done so. And if you haven't yet got your travel, please try to get there for the Saturday evening. As you know, we have an event, a social event, a networking event with Istanbul local industry together with all of our colleagues in CSG. You heard Tim say earlier that we need more members. So, we're counting on Team BC to go forth and explain why we need more industry voices within ICANN. Please come. You have all of the meetings that we know so far on the drive schedule that I won't run through as Steve's attached them. It's going to be, of course, the AGM. So, it is an important meeting.

Two things I'd like you to think about. We have a meeting with the entire Non-contracting Party House. So, that's our colleagues from the Non-Commercial side as well. And we also have quite a small closed meeting the day before ICANN opens with some people. So, Mason, our councilors, me, the rest of the NCPH that we're calling Day Zero. And at that, we're also going to be meeting with the Board briefly.

So, if you've got anything you would like us to raise with the Board, both in that semi-closed meeting and also in the actual meeting with the Board itself during the open sessions, and if you have anything you'd like to be on the agenda, that the entire Non-Contracted Party House should be discussing, please let me know. Thank you. Back to Mason.

MASON COLE: Steve, Marie, thank you very much. Any quick follow-ups for Steve and the Policy Calendar, please? Jimson, please make it quick. We're over time.

JIMSON OLUFUYE: Okay, sorry. It's not a follow-up for Steve, just on AOB. This is to Brenda. I observed last week that my email was blacklisted and I couldn't send mail to the list. I wonder what happened because Brenda is in charge of email administration. Why was that possible? Why did that happen, Brenda?

BRENDA BREWER: Jimson, if an email is bounced, I get notice. I did not receive any notices of your email being bounced. Would you try to send it just to me personally so I can confirm that you had the right address, which is bc-private@ICANN.org?

JIMSON OLUFUYE: Yeah, I sent email to you twice and I didn't get any response at all.

BRENDA BREWER: To brenda.brewer@ICANN.org?

JIMSON OLUFUYE: Sure, sure. Yeah, so I just wonder what happened because this is the only medium for me to communicate with you now.

BRENDA BREWER: Okay, I will do a search, but we can take this offline, Jimson.

MASON COLE: All right, thank you, Brenda. Thank you, Jimson. Quickly, AOB for anyone else for the BC today, please. All right, Brenda, next membership call two weeks from today at the normal time?

BRENDA BREWER: That's correct, Mason.

MASON COLE: Very good. All right. Thanks, everybody. Sorry for running a minute over. We had a robust discussion and I appreciate it very much. Please give some thought to standing for a BC office that, as we mentioned, those elections are coming right up. And with thanks to Brenda for the support. We'll see you in two weeks. BC is adjourned.

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