BRENDA BREWER:	Good morning, good afternoon, good evening, this is Brenda speaking. Welcome to the BC Membership call on 6, October, 2022 at 15 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. I will turn the meeting over to chair Mason Cole. Thank you.
MASON COLE:	Thank you, Brenda. Good morning, good afternoon, good evening, everybody. Mason Cole here, chair of the BC. Welcome to our call on 6, October, 2022. It's been, as Steve just pointed out, about two and a half weeks or so since we met as a constituency in Kuala Lumpur. It was good to see so many colleagues there in KL, and if you didn't make it, hope you can make the next meeting.
	So we have our usual agenda up on the screen. Before we dive in, are there any updates or additions to the agenda for today, please? Okay. No hands. Very good. Well, I'm hoping we get a few more people on the call today, but we're going to go ahead and start. So, Steve please take the floor. Go ahead.
STEVE DELBIANCO:	Thanks, Mason. Can you see the policy calendar?
MASON COLE:	Yes, sir.

STEVE DELBIANCO: Very good. Thank you. Like I said, we met two weeks ago, but that was a open BC Meeting, in an open BC Meeting, we aren't able to often dive down into a strategic considerations as much as we can on a private call like today. So, I'll get right into it. We have eight open public comments right now, eight plus the ongoing market list too, so this is really frustrating. We go from what, from famine to feast, right?

We have so many public comments that's really a challenge for the volunteer community that this would be the time that new members, relatively new members at BC who haven't participated on the public comment, can put their shoulder to the whatever you call it, whatever you put your shoulder to, right? Put your shoulder to it because we need some help. First one up here is the Universal Acceptance Roadmap.

Now, Vivek and Olajide sent me a couple of paragraphs on it yesterday. This is extremely lightweight, easy comment. I know they close in just over a week. We should have no trouble getting a review. I'll be sending it to you in the next couple of days. Again, this is mostly for what happens at registries and registrars, but we, the business community or the principle users of registrations that are in IDNs or brand new TLDs that aren't always accepted by email systems and browser software. So we're going to make a comment from the BC's perspective.

Number two is this Holistic Review of ICANN, which was something that came out of the third Accountability and Transparency review team.

We have commented on this before and now is the chance for us to affect the terms of reference.

Now, Margie volunteered to work on this, but Margie has also volunteered to work on an additional comment on the registration data phase two. So this is one where we could definitely use another BC member who has the general awareness of the overall structure of ICANN.

The way in which all the power is dissipated through the board and yet all of the activity and revenue comes from the gTLD community, and knowing that within the gTLD community, we are significantly diminished in our influence from the business community because of the non-profits, the non-commercial stakeholders group. So this is an opportunity to comment on a scope that would include potential restructuring or changing the voting rules.

So I'm looking at BC members that have been around a long time who understand the frustrations we've been to. Who else could possibly volunteer? Barbara will. Fantastic, Barbara, that's great news. Thank you.

Barbara, if you take a look at what I indicated there, I showed that we commented on it back in July, two years ago, and there we have a lot of rhetoric that we can use and maybe I will send a note to you and Margie on that. Thanks Barbara.

Number three, we need volunteers on this. This is about the RDAP obligations in the RAA and the base registry agreement. We have a strategic reason to weigh in on this. The notion here is that whenever

ICANN negotiates bilaterally and contract amendments with the contract parties, we want to be sure the BC is paying attention, BC makes a comment because the BC has been insisting that ICANN act as our representative when they enter these negotiations.

They have thus far rejected that point of view. Hey, but we have a new board chair, a new board leadership now. It's possible that the board itself would start to see that ICANN Org should represent the whole community when it steps into the room to negotiate with contract parties. So we have a strategic reason to jump in on this. The technical points of RDAP are extremely easy and we won't have any trouble at all approving what they've done.

Can I find any volunteers to help with this one? It'll be a very brief comment. Contract amendments, contract negotiations. Crystal, you are active on the registrar side. Could you work with me potentially on this one since RDAP is primarily a registrar implementation? I'm going to try to volunteer Crystal for this one. I'll follow up.

CRYSTAL ONDO: Yes, that's fine, Steve. I'll use Rajiv as well, who's our technical BC.

STEVE DELBIANCO: Yes, and Rajiv's on the call too. That's fantastic. So Crystal and Rajiv, I'll write you both an after this call to see whether we can pull something together. Thank you.

RAJIV PRASAD: Thanks

STEVE DELBIANCO: Is Imron on the call today? I don't see Imron because we need her help on this one. This is about a relatively small item on continuous improvements within the GNSO, so I'll follow up with Imron on that. Then number five. Margie and David [00:06:23 - inaudible] and I started on this when we were together two weeks ago in Kuala Lumpur.

Got a pretty good start, and it's one of these giant forms you fill out where you indicate support, don't support, and you have to indicate why. So that structure means that there's 40 questions, it takes a long time to get through it, but David and Margie are already on this one.

So we should have a draft for you to look at. Number six. Number six is the OP Plan and Budget. Usually, this is handled by the Finance Committee. Is it something that, Lawrence, your committee can take on? I know you are pretty stretched.

LAWRENCE OLAWALE-ROBERTS: Yes, Steve, happy to jump in on this and I'm sure we will also get some help from team as always.

STEVE DELBIANCO: Great.

STEVE DELBIANCO: The CSC Effectiveness Review. I doubt we will say anything about this except for the standpoint. Let's say that Rajiv and Crystal think about Amazon, Chris Wilson, you guys each have a pretty healthy list about 70 gTLDs each. Are you happy with the way that IANA is running because this is the customer committee, CSC, is it being effective? If it's effective, then we don't need to comment on it. Do you guys have a sense as to whether they've done a good job running IANA so far? Any idea?

CRYSTAL ONDO: Sorry, Steve. It's Crystal. I guess it's hard to comment because they haven't broken anything on the registry side. So they're doing a good job not breaking things, I don't know if I'm technical enough to say what exactly they are doing to make it that way.

STEVE DELBIANCO: How many of your gTLDs have been put into the root or lit up?

CRYSTAL ONDO: About 25, I think.

STEVE DELBIANCO: Okay. See if a note to that side of the house over there at Google and see if you're generally happy with it and then we could put a minimal comment in, but again, the BC's perspective is usually not the perspective of those who own TLDs. So if there's nothing that you're worried about that we need to comment on, then we probably won't

comment at all. See if there's a problem that merits the BC echoing the concerns of registries like you

CRYSTAL ONDO: Will do, Steve.

STEVE DELBIANCO: Thanks, Crystal. Okay, number eight is really interesting. This is that we share power in the non-contract party house with the non-commercial stakeholders group. The NCSG and the CSG have the same number of votes and they continue to cancel out things that we want to get done.

What you don't realize is the NCSG includes two constituencies, the NCUC and the Not-for-Profit Operating Concerns or NPOC. NPOC was started 10 years ago or so by the Red Cross Organization because they felt like the NCUC was not representing the real needs of a non-profit registrar.

They felt like a non-profit registrar cares a lot about consumer protection and a broader range of concerns that are very similar to the business community. Whereas NCUC is our privacy maximalist, the NCUC has made it their mission to blow up WHOIS, well, mission accomplished, and they have always stood in the way of our efforts to disclose registrar information for the purposes of cybersecurity attacks, phishing, farming, and fraud.

So if NPOC begins to acquire a little bit more momentum, they can insist upon some representation. So think about it, those six people from NCSG that sit on council, it's incredibly, they have six on council, we

have two, if the six on council, had to include one or two even from somebody like the Red Cross who thinks very much like a commercial enterprise, we'd be in much better shape.

So, all of this is to say is that we should look into this charter and show that we are interested at what the NPOC does. I see a couple of nods from the cameras that are on, but do I have any volunteers that might help me with number eight, analyzing their charter?

LAWRENCE OLAWALE-ROBERTS: I'm happy to help with this, Steve.

STEVE DELBIANCO: Yes, I feel like I got to turn you down because you are volunteering for everything. I will take your help Lawrence, but let's see if somebody else can help us out too.

LAWRENCE OLAWALE-ROBERTS: Yes, but I wanted to also note that reading through their charter, I see that the new charter is basically modeled after the BC's charter. There's a lot in their charter now that you will see is borrowed language from the BC, so it helps for the BC to also comment.

STEVE DELBIANCO: Exactly. I think it should help. We used to have great relationships with folks from the Red Cross, Klaus Stoll used to be a member of it as well, but they're a little bit more right now and needs a little bit of help.

Samuel, if you'll help on this, I'm much appreciated. I'm going to write you down. Thank you, Samuel.

Okay. Number nine is just an ongoing item that we put in here to keep track of what the European Parliament is doing with the adoption of NIS2. So once that NIS2 two is adopted, it has to be transposed by member countries, and you all know that the BC is anxious to work with say, Denmark or the Czech Republic because they're transposition could be relatively trivial.

The Denmark, for instance, requires that it's ccTLD DK must disclose in a much more effective fashion of the registrars in the ccTLD space. So if Denmark were to transpose NIS2 and apply the same requirements to gTLDs that do business in Denmark or gTLDs whose customers include registrars from Denmark or even users in Denmark. Think about it.

That could lead the way for other European nations to transpose NIS2 in the same way. This would be getting to what we want at disclosure, but not getting it through the ICANN doorway, but rather going to the country codes. Any additions, any new knowledge on NIS2. Thanks for volunteering.

MASON COLE: Steve, it's Mason.

STEVE DELBIANCO: Please.

MASON COLE: Just I'm going to point out Arinola is volunteering to work with Samuel. I don't know if you noted that in the chat.

STEVE DELBIANCO: Yes, got it. Thank you.

MASON COLE: Okay. So on NIS2, yes, there have not been any developments since we met in KL, but we anticipate that language for the final NIS2 directive will be published probably in November. At that point, as you point out, we're going to take up some efforts to influence the transposition or the effort on the part of member states transpose the directive international law.

So, we've got some work ahead of us, but probably not for about three to four weeks or so, until we see the final language. So we're optimistic about what it's going to look like but we haven't seen it yet, and when that language is published, we've got a lot of work to kick off.

Now, there is a BC working group that has been convened to take on this work that consists of Margie and Marie and Andrew Bennett and Nick [00:14:15 - inaudible] and some others. So we've got a good working group put together and we anticipate having to dive in probably right toward the end of the year on this. You're on mute, Steve.

STEVE DELBIANCO: Any other inputs or questions on NIS2? Great, thank you. Channel two is council. So now we're going to turn to Marie and Mark to talk about council. Again, there hasn't been a meeting since we were together two weeks ago, so I did my best to summarize the discussion that was had in KL, but I look to Marie and Mark to lead the way. Go ahead, please.

MARIE PATTULLO: Thanks, Steve. This is Marie. Can you hear me okay?

STEVE DELBIANCO: We do.

MARIE PATTULLO: Great, thank you. I'd love to just see some of you in KL, but, of course, the BC meeting we had there was open, so we couldn't really discuss too much about what was happening at Council. During the weekend, before the actual Council meeting itself, we had a number of working groups informal sessions in Council.

Two things I'd like to raise there. One was a discussion, I put it that way politely, about ICANN's priorities because what we think of the priorities are not necessarily what ICANN thinks of priorities. Say, ODP, ODA, them doing committees about working groups, about discussions, about more discussions.

One of the things that came out of that was the, you'll remember the proxy privacy accreditation discussions, well, in essence, they tried to tell us that they had to be paused because there were "dependencies"

with the GDPR with the EPDP. We pushed back on that and they said, no, no, no, no, we didn't mean dependencies like that, we meant operational dependencies. Perhaps we need more staff.

Now, I don't agree with that and many people don't agree with that, and there was quite a large pushback saying, just implement what you have been told or asked to implement for many, many years. How I'll go on that, I don't know, but I just wanted to raise it because I couldn't make it out.

Council itself, we've got a new chair, especially, of course, from the registries who we all like. He's a nice guy, he's a good guy. The new vice chair from the commercial side is John from the IPC. He's a very good lawyer, he's very straightforward.

What we're actually talking about in Council, some of it I passed on to Steve, but to let you know parts of it, the accuracy scoping team that we fought for has been paused, mainly because they can't decide what accuracy is. I'd love to be joking, I'm not.

What they're also hoping is that ICANN staff the board. Actually, we'll get in touch with the European Data Protection Board and get some more information, some more details. They also think there's crossover [00:17:29 - injaudible], NIS2.

There's also currently a survey of registrars about accuracy. Although the registrars are telling us it's not really about accuracy, it's about verification, but to foresee what happens to them. It's on pause and they don't have a chair because Michael Palage has stepped down.

There's another thing called the GGP which is a guidance process. Basically, it's about trying to figure out how to correctly scope out applicant support for the next round. That's going to kick off soon, and a million thanks to Lawrence for standing as the CSG representative there.

From the Council side, there's been all manner of to and fro over the last few days about how many gap reps that should be. I'm not going to bore you with that, just to let you know.

Then, of course, the most important part about Council, I'm actually going to hand it over to Mark to talk about abuse, and then to you Steve, if I may, to talk about the child of the SSAD. Thank you.

MARK DATYSGELD: Thank you, Marie. Mark speaking here. My side is potentially a little more cheery. So, what happened was we had several productive meetings involving this multi DNS abuse, and we talked directly to multiple stakeholders trying to get our ducks in a row.

So during the week, we spoke with the ACs who are very supportive, that went pretty well. Then we moved on into conversations with the GNSO, which turned out surprisingly well as well. At the end of the final meeting, pretty much of ICANN75 was together with the CPH, which again went pretty well.

So here's where we stand right now. The team has four days to make any final changes to our recommendation to the council. The changes

are looking very minimal, so we should be pretty much on track with our recommendations.

After that, we will bring that to the next council meeting for the appreciation of the entire council, which we are expecting to be not frictionless, but not to have as much friction because we have been talking publicly about this and receiving public support about it.

So, what's the highlight of the report? On the final session that we had with the CSP with CPH, they declared that they are willing to move ahead with contractual negotiations. They said this on the record and that they have started to look into this internally and what's their path forward?

What we propose in order to make this look good for them is that we will draft a letter from the council asking them as the GNSO community for these changes. That way, it makes the process much more bottom-up, and that helps them talk to ICANN and so on. What we'll be asking is basically for the needs to act upon DNS abuse.

So, during our meeting, folks like the IPC had concerns over, does discover intellectual property, and the answer is still no. We are going to try to steer this as hard as possible towards technical and consolidate ICANN for a technical role because problems to DNS and infrastructure are only going to get worse right now. Like we are seeing exploits ramp up.

I personally, as chair, think that it's time we drop this discussion and start taking this seriously and start protecting consumers, which is what we should be doing. So, that's the mode of the group. We hope to go

straight ahead of this, and small heads up, we are coming up with some typology which will be useful for us moving forward.

So, I won't beat things because most members I think were there, but I will soon start talking about the life cycle the DNS abuse. So what that means is basically when can each offer take action? So we have for example, step zero in which it hasn't happened yet.

So that's before, and that's preemptive action, that's the kind of thing that we want to set to prevent an abusive registration. Then we have, for example, step one, and it's already happened, and so on. So really we are trying to funnel this discussion, we are trying to make this into something that's linear, makes sense.

The slides were included with this email. It's currently being highlighted by Steve. I strongly recommend anybody who hasn't watched the presentation to just give the quickest look on the slides.

It's super quick, just skim over it just to get used to the typology because we'll be discussing that moving forward and it'll be good if the entire membership is on board with that. [00:23:16 - inaudible] follow as hopefully we'll wrap up the letter, and by next meeting I'll have more conclusive next steps. So thank you everyone.

STEVE DELBIANCO: Thanks Mark. Then any questions for Mark on DNS abuse? The next item up we would talk about would be the small team on SSAD light, the ticketing system or the WHOIS Disclosure System and might even be changed the name to WHOIS Request System.

So this was a very big topic in Kuala Lumpur. I represent BC on the small team. Since we last talk we've had three one-hour meetings of the small team. One in Kuala Lumpur, and two this week, actually three of them, another one last Friday, and we have another one coming up next week. What are we trying to do?

The small team is attempting to achieve consensus on what recommendations will make to Council, Council will turn around and vote on that, then they'll make recommendations to the board, and the board may or may not implement.

We have a deadline, self-absorbed deadline because ICANN Org has said that if we approve it quickly, like in the next several weeks, they can put this in the calendar for development and get it out in the first half of 2023. This is not due to any heroism on the part of Org, although I appreciate what they're doing.

The point here is we're using an off the shelf product called Salesforce. With the Salesforce product, they just have to modify the way in which ICANN is using it so that it can absorb and distribute tickets on WHOIS requests to come in.

This is not new policy. It's supposed to be an innovative way of addressing the fact that the SSAD, which is approved policy was far too expensive and didn't deliver enough value. It was the point where the BC and the IPC voted no, the GAC and the ALAC said we don't need that SSAD since there's no obligation for disclosure.

Well, this new ticketing system also has no obligations for any disclosure at all, and since we're not running it through a PDP, there is no policy, it

is all voluntary by the very process that we're using. So there was some discussion in KL about whether we should force registrars to use it or force registries to use.

It's something I know Margie felt strongly about. There's no forcing anybody to use a voluntary system, got to get that straight. So we can then try to provide incentives for them to use it.

The incentive that I had designed is that registrars need to feel like if they don't participate, they're going to be embarrassed because we're going to be able to document and publish the quantity and quality of WHOIS requests that our community is making for which they're either ignoring or deny.

That should help I think to name and shame a few bad actors, which is also something that's going on Graeme Butto'sn DNS abuse side. Naming and shaming folks that don't respond or ignore might be the incentive for more registrars to use it, might be an incentive for more of our side to use it.

All right, so what can I say at this point? We do know that the BC has led the way at saying to ICANN that all requests coming in should be logged, and those of you in KL know that that demand caught fire on the Saturday weekend, and by the end of the week staff had already agreed, they are going to log them all, but they came back Monday this week saying they were only going to log who the requester was.

They weren't going to log any of the details, which would deny us the ability to show that it was a very reasonable request that was ignored.

So we are pushing back now to try to make sure that they will log all the data that a requester is willing to enter into the system, okay.

We had another meeting yesterday, and at the meeting, John McElwaine for the IPC said all registries and registrars must use the system. So I had a talk with him yesterday, he agrees we cannot compel anybody to do anything. So he changed the two, strongly encouraged, that is all that we can do.

Then ALAC themselves came back with a really fascinating concept. They said that if you're a requester, you put a request in, let's suppose that the registrar on the other side gets into the system and checks the box that says I've responded.

Well, later on when we do the data compilation year in, it's going to look like that registrar is responding. What Alan said from the ALAC is that the requests are ought to be able to say, no, no, no, I disagree, they did not respond.

That's what I have right here on the screen. Let me highlight it. It's a little confused and I realize that. I think we could push for that and I'm happy to take input from BC members. So we currently have-- that is on the table to discuss.

Do you feel like as requesters that you would use that, you would go in and indicate whether you agree or disagree on the registrar's representation? Any feedback?

I have been drawing a distinction in the discussions between the casual requesters, people that thought WHOIS was still around and they

discover it's not, they may find some value in the centralized ticketing system, but there's no compulsion for them to get an answer. We are part of the professional requester class.

We in the IPC and probably the SSAC in certain parts of the ALAC have consultants and attorneys who routinely do WHOIS requests in order to stop fraud and abuse of their own properties and their customers.

So we are the professional requesters and we are the ones who are probably going to be able to compile the data in here for naming and shaving. Do I have any other input or questions? Marie, go ahead.

MARIE PATTULLO: Thank you. Three questions if I may. During the meeting in KL, Sebastien, who is the chair of the small group from GoDaddy, he seemed to be as surprised as we were that registrars were not being compelled for want of a better term to use the system.

Okay, that's question one, but question two would be Becky, Becky the board member, made several references to us also being able to deal with privacy proxy requests. I don't if there's anything on that.

Thirdly, from a purely selfish point of view, for Mark and I to know, do you think we're actually going to be voting on this at the October Council or do you think it will be pushed? Thank you.

STEVE DELBIANCO: Thanks, Marie. On the first one, Sebastien knows, and in fact it came up yesterday, he knows full well we can't compel the use, from the

beginning, it's been voluntary. What Sebastien and I were surprised about was that staff came back and said that if a registrar chooses not to opt into using the system, that we wouldn't even allow requests of their domains.

We were all shocked and surprised at that, and that is what we pushed back on in order to change this. Staff came back and agreed that they will allow us to record and log a request, there's nothing we can do to compel as part of this exercise.

Now, what Becky and I and others have said is that totally apart from the system, the GNSO council could adopt consensus policy that would require use of the system, but it wouldn't be part of what my small team's doing because we are only commenting on a technical ticketing system.

Any policy changes have to come through the PDP council process. So, if not that, then maybe the registrars themselves would encourage all of their members to use the system. Sebastien knows that we cannot in our group compel anything. You asked about privacy proxy, we've been really upset that ICANN stopped implementing the privacy proxy accreditation system known as the PPSAI.

Accreditation would say that for privacy and proxy providers, sometimes they're baked into the registrar. The GoDaddy, for instance, offers their own. Sometimes the registrar will use a third-party privacy and proxy, and when GDPR came out, a lot of registrars flipped all of their registrations to privacy proxy so they could be sure they were following GDPR.

The frustration is that if we make a request of a privacy proxy domain, the registrar is supposed to relay to the underlying registrarant and they're supposed to reveal if there's no reply, otherwise they can bear the responsibility. So we are very frustrated that the accreditation of these privacy proxy providers has been delayed.

So we leaned on Becky in Kuala Lumpur, and you're right Marie, she did indicate that with this ticketing system, we ought to get going on PPSAI, but I'm not sure I see a connection between the two.

Since a voluntary ticketing system would work the same, whether or not the registration was privacy proxy or whether or not it was in the clear. What connection do you think we ought to see between PPSAI and this one?

MARIE PATTULLO: Well, you already heard what I said. Sorry, for the record, this is Marie. You already heard what I said about staff's excuses. I'm sorry, because that's where they were. To me, I agree, we were slightly confused about Becky talking about it.

However, I guess what I'm looking for is within this system, that if somebody makes a request for data, which is behind a privacy proxy wall, will they get it or will they get a response? So will it include requests that are masked by privacy proxy?

STEVE DELBIANCO: Yes, good question. Of course, definitely because when you put a request in for domain, you don't even know whether they're privacy

proxy or in the clear. You can't even see that. So all requests are going to get logged if we continue to win that battle I've been waging.

So if they're all logged and the registrar then gets an email if they're not participating and the registrar takes a look at the record, sees that it's privacy proxy, and that registrar then can come back to you with that, and they can relay it to the registrarant. None of that happens in the system.

The SSAD system is a ticketing system for the fact that you put a request in, registrar can see the request if they log in, and then they reply to you, but they don't reply to you through the system, it's just a ticketing system. It's so useless that Steve Crocker and I are continuing beat up on Staff for trying to make such a big deal of it.

It doesn't give us much. So it shouldn't cost much, it shouldn't take very long, and our principle benefit is to document the number of times that we have made legitimate requests in certain registrars have ignored or denied.

Now they'll ignore and deny whether it's privacy proxy or not privacy proxy, but this system doesn't know that their privacy proxy, and it'll never learn whether they are, because the responses that a requester makes don't come through the ticketing system, their direct responses back to the requester. Great questions, Marie. Crystal.

CRYSTAL ONDO: Yes, thanks. Along those lines, I'm personally as a registrar and BC member, I don't think it's in a position for the council to decide on that

staff put this together, and if anyone joined the Tuesday webinar about it, you heard a lot from registrars.

We would be unable to participate in it based on the way staff has designed it, and if that's the case for Google registrar, I'm assuming that's the case for the vast majority of registrars. They designed it without asking and they're requiring logging into it portal that our lawyers don't have access to, that we can't give them specific access to.

So it's just not technically feasible in a scalable manner to fully participate. It was also a surprise to us on Tuesday that ICANN said you have to opt in or opt out fully. So if you opt out, like Steve said, there's no ability to submit. It'll say, Okay, your registrar is Google, they've opted out, sorry.

We don't even have a way to say, okay, please use this alias or please use this form that already we built to drive into our legal review team. So it's right Marie, what is the point of the system?

I think that's what also the registrars are trying to deal with because it was a surprise to us as well in KL. So I just don't know if any stakeholder groups are really able to vote yes on this at this point.

STEVE DELBIANCO: Thanks Crystal. Crystal, there are two registrars on the small team, so they've been part of this for months and they have not been doing their job if they haven't told the rest of the RRSG what this was all about.

I believe they probably didn't care since it was voluntary and there wasn't much attention to it until there was this discussion of the fact

that it could be used to name and shame non-responses. I understand that yesterday's call, Sarah did speak up and say that the registrars are taking a harder look than ever before and there are concerns about GDPR compliance.

I didn't hear the one about legal team can't get access. That's really fascinating. So you're thinking that technically as well as legally, there are barriers to adoption even if a registrar like you wanted to use it. Did I get that right?

CRYSTAL ONDO: Basically. I think the main point was we were told in KL that the system would kick an email to the registrars, which we could then route to the proper location and deal with on our end, where obviously each major registrar has a ticketing system internally as well.

So we would want everything to flow through our internal systems. What ICANN said is they are not comfortable sending requested data and emails. So what they'll do is send us an email that says you have a new case and then you have to go and log in, which isn't as helpful as most registrars would like.

It's also contrary to how they treat compliance cases. Right now, compliance cases go through the NSP as well, but they send emails with all the information we need in order to review, investigate, and respond.

So we were assuming ICANN would be doing that, but it sounds like they're taking a different position in terms of compliance complaints

data and requester data and their legal team is making that distinction. That was new information to us on Tuesday.

STEVE DELBIANCO: Yes, that's really helpful. Let me ask you this, Steve Crocker's been pushing really hard to say that the implementation should include APIs for both requesters and registrars so that automated access to records could be there instead of relying upon emails to convey things when ICANN is worried about what they put in the email. Would you say that the registrars you've spoken to are interested in API access to the Salesforce system?

CRYSTAL ONDO: There are many reasons why we would be interested in API access to their naming services portal. In general, it's never been provided as an option to any contracted party.

STEVE DELBIANCO: Got it. Since it's a Salesforce product, it's my impression that Salesforce has to open up and probably write the code for the API. Rajiv is on the line, anybody else who's technical enough, I don't believe that a Salesforce customer is going to be able to code APIs that see into the Salesforce database. Anybody have insights on that?

RAJIV PRASAD: Steve, I think you're right in your analysis about how API needs to be enabled. So I don't think the API needs to be written, it will most likely just need to be enabled on the Salesforce instance.

STEVE DELBIANCO: Got it. Because their own client software is calling those same APIs, they're just not exposing it to third parties, right?

RAJIV PRASAD: That is my understanding as well.

STEVE DELBIANCO: Any other insights onto that Rajiv?

RAJIV PRASAD: Sorry, I do not have any additional insights. My interactions with Salesforce have been remarkably limited, but where there have been interactions, there's always been the ability to expose an API.

STEVE DELBIANCO: Yes. So if you look at the chat, we've been on alert all along that this system might be used to show there's very little demand, therefore we don't need to build anything, and I was the one pounding that's able to say that that is not why you build the system, you cannot measure demands, and so they're not going to get any responses why would people use it?

If we were able to get that and that has been documented, the report indicates that we said there would be low demand and Steve Crocker's been backing me up on that, so is the IPC. If it were going to get built anyway, since we don't have the votes to stop it, if it were going to get built, I'd want to be sure that it logged all requests and that we would be able to name and shame with the data that we learned from it so we could get something out of it.

What I have learned in the last three days with what Crystal's been bringing up is that suddenly now that this is about to go to Council, there's been a whole echo chamber of concerns with the system that have been quiet so far. So Marie, you asked if you're going to get it in front of council in October, before yesterday, I would've said yes, but now I'm seeing a lot more concerns come up that say that, wait a minute, wait a minute, this isn't right, this not going to work, you'd have to change it in certain ways.

Legal is trying to constrain the data that it says because of GDPR, so we'll end up with a GDPR problem waiting for NIS2 to solve it the way we have been for so long. So I would say the likelihood is less than 50/50 that you're going to have it on your plate in October. If you did, you'd have to vote on it, the BC has to take an official position, the IPC would take a position.

If the contract parties were happy and wanted to jam it through, they would still need the votes of the NCSG. Now, NCSG being privacy maximist, I don't know which way they'd go.

In other words, if you care about privacy the way they do, they would say there's no-- you shouldn't even have a way to enable disclosure, but suppose they want to try to game it so that it shows there's no demand and we can just ditch this whole thing. Well, then they would be inclined to vote for it. Any idea, Marie and Mark, what you're hearing from NCSG?

MARIE PATTULLO: I can give you one thing. Mark is closer to them than I am, but at the last Council, Manju noted, it's in the minutes as well that she has sent an email to council about the human rights assessment of the SSAD recommendations. So I think you know what they're going to say.

STEVE DELBIANCO: Yes. And Stephanie Perrin [CROSSDTALK].

MARIE PATTULLO: Stephanie is Stephanie, but to be absolutely fair to the NCSG, I don't, they know what they think either because they're not terribly homogenous, it depends on who you speak to. I could probably give you individual responses, but not necessarily a stakeholder group responses.

STEVE DELBIANCO: The way their voting works is that all six of their counselors can vote any way they want. All right. Yes, exactly they operate as individuals. All right.

Mason noted that there's going to be another one of these community based webinars on the 11th of October. I will circulate to the BC the coordinates of that, and mostly the updates we'd expect are API updates, whether or not they'll build one, and number two, whether ICANN legal is going to change the way that data is conveyed so that it can be passed to the registrars more easily.

Any other questions on this? If not, I will move on to Tim. Tim Smith and the CSG Liaison Role. Go ahead, Tim.

TIM SMITH: Hi, it's Tim for the record. Thanks, Steve. Not too much to report. I made a comment here on my report that CSG met twice during ICANN75. In fact, we met three times. Thanks to Mark for reminding us of the final meeting that we had with CPH on the Thursday afternoon.

Most of what we discussed at our meeting, our membership meeting at the board meeting, and certainly at the CPH meeting, has all been covered in great detail by all of you earlier in this meeting. So I won't go into really any of that. Just to mention at the membership meeting though, that we did have Xavier and Becky Nash and Giovanni from staff to give us an update on auction proceeds and planning prioritization.

So there was information they provided, although everything seems to be a work in progress, so there were no real specifics about what we're going to see and when we're going to see it. So more to come on that.

So again, I won't really cover off any of the other meetings because you've covered it all so well. So just going to the bottom, just to

mention that Philippe Fouquart was the appointed person for the CSG, for the board facilitated dialogue on closed generics.

So we had three good candidates, I think for that role and determination was made that Philippe would be the most suitable person for that role. I spoke to Phillip after he had been selected, and he agreed to touch base with me prior to the meeting, the two-day meeting, I think that they're going to have in November.

So I was pleased with that he would allow us to at least have some input into the work that he is going to do on our behalf there. Then the other issue that Marie already touched off was this GGP proceeding that Lawrence has agreed to be part of, so thanks, Lawrence for that. I'll take any questions that anybody has as I turn off my phone. Thank you. Back to you, Steve.

STEVE DELBIANCO: Thanks, Tim, Mark, and for Marie. Mason, back to you.

MASON COLE: Thanks, Steve. Thanks, everybody for the updates. We're a bit behind on time. I'm going to go straight to Lawrence because Lawrence has some important updates.   We may run a few minutes over, so I encourage BC members if your schedule's allowed to hang on the line for just a few minutes because Lawrence does have some important information to share. So, Lawrence, over to you please.

LAWRENCE OLAWALE-ROBERTS: Sorry, I was trying to get off mute there. Thanks, chair. So, I would want to start from the very last item I have on my agenda to report on, which has to do with the forthcoming officers election for the BC.

So the timelines had already been shared on the private list, but I just want to reiterate to members what we are looking at. So, the BC elections is built to start on the 24th of October. That's just about three weeks from now, give or take. For the nomination period, it's going to be open for two weeks.

That's from the 24th to the seventh day of November. Once we are true with the two weeks nomination which keeps us compliant with the BC charter, we expect that by the 14th of November, which is a week after, all candidates will have provided candidates statements to the BC's private list.

The offices up for reelection is for the office of Chair, Vice Chair Policy, Vice Chair Finance and Administration, and for the CSG, while by the 17th of November which incidentally coincides with BC membership call for that same day, we'll be having a candidate's call starting an hour earlier, that's by 14 UTC.

The candidates call is for members to ask questions from all the nominated candidates. So for the nominations to take place, the persons have to be members of the BC, that's those nominating, and they also have to be paid up members of the BC.

So in order not to have any of the nominations invalidated, members have to be careful to ensure that people who nominate and members

who also second such nominations are paid up members for the current financial year.

So we have nominations ending by the 7th of November. We have the provision of candidates statements to be provided by Monday, the 14th of November. The candidate's call will be on the 17th of November, an hour before the members call for that day.

After the candidate's call, parlies will be sent out to all primary contacts of member companies in the BC for them to begin to turn in their votes. So the voting period will be from the 18th of November, and this will run until the 24th, which is about a week.

We expect that announcement of outcomes should be made on the 25th of November. If there is no extension of the nomination period, these are the dates that we will be working with, but where we will need to extend the nomination period, definitely such changes will be communicated to members.

Now, this is for members to-- the exco members will be taking their seats from the 1st of January, 2023. Right after the BC officers election, we will also have elections for BC committees. These committees were required, this will be the credentials, the finance, communications, and onboarding committee.

The nomination periods will be for two weeks, starting from November the 28th, right after the BC officer's election, the week after, and will run till December the 12th. This is internal to the BC, and so our timelines work well for us.

Then we'll have provisions of candidate statements by the 13th of December, and we have a second members call on the 15th, which will coincide with the candidates call for BC committees.

If there is need for an election, an election will be conducted, and if there are no needs for an election, the members who are eligible to continue, who indicate their interest to continue, and where we do not have any seats to fill, will just roll over into the next financial year, starting from the 1st of January, 2023.

Before I take any other announcement, I would like to know if there are members with questions or if any clarification is needed at this point. Okay. So moving on, I'll also want to bring to the attention of members that we have a BC-led DNS abuse session at the global IGF.

The session, session number 505 revolves around the abuse. It was curated by members of the BC, and the session will have Mark, [00:52:31 - inaudible] Arinola Akinyemi, and Mason Cole, and myself on the panel. Where possible a number of us will be intervening remotely and I believe Mark and possibly maybe Arinola might be at the IGF in person.

We want to encourage BC members to look forward towards this session and to also help in promoting the sessions. I want to also bring it to your attention that we've talked about the webinars that are been hosted on the WHOIS Disclosure System.

Our first one happened days ago, and the second one will be next week, Tuesday. The link is here. I will be sharing this with members, so you can click on the link to register.

I also want to bring it to our attention that the FY22 financial reports have been published, and the details are also on the ICANN website for members to review. That's pretty much what I have to report.

I would also want to thank members who helped to put together the ICANN75 newsletter, and I want to bring it to attention that members should kindly start thinking ahead for materials to put into the ICANN76 newsletter, because that newsletter will most likely have a printed copy.

So we will need to meet with some tight deadlines by ICANN to have it printed. Between now and the end of January 2023, I'm sure we would need to put our materials together and have that ready for prints.

So members should kindly start thinking through what materials they would like to help put into the BC's newsletter. We have a few members who have open invoices. Kindly know that where your invoices are not closed or paid off, you will not be able to participate in the forthcoming elections.

You will not be able to be nominated or to nominate anyone into any of the officer's positions. With this, I end my report and would ask members for questions. If there is no question, I would kindly yield the floor back to Mason.

MASON COLE: Thank you, Lawrence. Questions for Lawrence, please. Well, Lawrence, I haven't seen any hands, so I think you're good. Thank you very much for that report.

LAWRENCE OLAWALE-ROBERTS:Thanks.

MASON COLE: All right, colleagues we have four minutes left. Let me call for any other business. Zak, please go ahead.

ZAK MUSCOVITCH: Thanks Mason. Zak Muscovitch. Remember, several months back we had a special BC call to discuss the BC's position on certain issues arising from the transfer policy working group. Well, Arinola and I would like to schedule a second call, perhaps in November after one of our BC meetings. That could be a good time to have a half hour call, and so I'd just like to take the first steps towards scheduling that. Thank you.

MASON COLE: Thanks Zak. Sure. Feel free to ping me and copy Brenda, if you would, and we'll get that on the calendar. I think that would be valuable. Okay. Any other business for the BC this morning? All right, chat is clear, Q is clear.

All right, everybody, thank you very much for your time this morning, and thanks to Brenda for the support as always. We will meet again in two weeks' time on October 19th. So we will see you then. In the meantime, thanks for everybody who --

[END OF TRANSCRIPTION]