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BRENDA BREWER: Good day, everyone. Welcome to the BC Membership call on 9 November 2023 at 16:00 UTC.

Today's call is being recorded and is governed by the ICANN Expected Standards of Behavior. Please state your name before speaking and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. And we do have apologies from Barbara Wanner, Marie Pattullo, and Mark Datysgeld. I'll turn the meeting over to BC chair, Mason Cole. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, and good evening, everyone. Mason Cole here, chair of the BC. Welcome to our call on 9 November. It was good to see several of you in Hamburg. This is our first meeting following the ICANN in-person meeting there.

Brenda has the agenda displayed on the screen. Are there any updates or additions to the agenda, please, before we begin? Okay. I don't see any hands.

Okay. Our agenda is a bit different today. We have a guest with us from ICANN Org. We're going to proceed through the rest of our normal agenda following her presentation. But we've gotten the first half of the meeting assigned to Yuko Yokoyama of ICANN staff. Yuko led—well, I'm sure she led several discussions in Hamburg about the proposed RDRS system that ICANN is in the middle of promoting right now. We've invited Yuko to give a presentation to the BC following her discussions in

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Hamburg. Yuko, might I suggest maybe 20 minutes or so for your discussion, and then we'll leave some time for Q&A following. Would that work?

YUKO YOKOYAMA: Sounds good to me.

MASON COLE: Okay. The floor is yours, Yuko. Please go ahead. Thank you.

YUKO YOKOYAMA: Thank you. Let me share my screen. Okay. I would assume that you guys see my screen now. Okay, great.

Hi, everybody. Thanks for having me today. My name is Yuko Yokoyama. I'm from ICANN Org in the Strategic Initiatives department, and I have been leading these initiatives of building the RDRS. So we're going to talk about what you can expect from the service. That is launching on November 28. So we're about less than three weeks away. So it's a perfect timing. Okay, so let me go to the next slide.

So I don't think I need to tell you guys what the registration data is. It's a contact information related to the registration data. This is used for a variety of reasons. It may be related to IP issues or criminal investigation, technical issues, or consumer protections, whatever it may be. This data used to be public, as you all know, prior to 2018, then GDPR comes and other privacy regulations from the world emerging. This basically essentially changed the landscape of the privacy in the

Internet space. So most of the information now is redacted but access to registration data remains to be important. So now the matter is it needs to be carefully balanced with the rights of the data subject and the need of the data.

So you guys are all from ICANN world so you know that GNSO EPDP Phase 2 concluded and the Council has put forth the recommendations to the Board about the System for Standardized Access and Disclosure, the SSAD, but turned out that it's rather too complex maybe and possibly very costly. So the Board determined that we need a little more data before we commit to building SSAD. So the decision between the Council and the Board was to create something simpler so that we can gather usage and demand data.

So RDRS, the Registration Data Request Service, comes here. So it's much simpler, as you know, that there is no identity verification, there's no accreditation either, but it is free for anybody who may want the masked registration data to use.

One thing to note is that there's no consensus policy or contractual requirements for this service. So use of it by registrars are voluntary. So we can't force them to use the service or act in certain ways, which means that there's also no Service Level Agreement associated to this service. Meaning that you submit a request and three days later they must respond. There is no such SLA as of right now.

So why are we building? Data gathering is the foremost important part of this exercise. As mentioned, the Board has not made a decision about the SSAD as of yet. The data gathered by this RDRS will be incredibly

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important for the Board to make a decision in consultation with the GNSO Council in terms of what's next. And also that data may potentially shed some light in terms of what would be a best suited tool for us in the future. So there's a potential for influencing the creation of a better tool in the end.

As you all know, ICANN, we value transparency, so we will be publishing a monthly report with a statistic of usage data. We are also sending surveys to all users, including requesters and registrars. We're sending satisfaction survey to them so that we can learn from their feedback and potentially that would again influence the potential future.

So here is how it works in a nutshell. I'm going to go into much deeper level of presentation later. But this is essentially a centralized single platform to submit and receive the non-public registration data request. There's a standardized form and that gets delivered to registrars. But in terms of decision-making, nothing changes with this tool being introduced, meaning that the registrar still needs to determine whether the requester has legitimate interest and if they want to disclose the data.

So data disclosure-wise or general communication between requesters and registrars, that will happen outside of the system. So the system essentially connects the two parties. And then two parties can—it is set up with the basic needs, right? There's a form to fill out, attachment to be attached, and registrar receives it. If there's a need to further communicate, then registrar will be contacting requester outside of the system. That goes for the same for when the data is being disclosed. This will be up to the registrar's chosen method, how they want to

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disclose the data. But again, this won't be through this RDRS system. I'm sure this has been said many times, but no system, whether it be RDRS or SSAD or any other tools, can guarantee data disclosure because this will be a deviation from some privacy laws. So decisions continue to be solely relying on the registrars, and registrar is the one who needs to review each request individually to make their determination.

This service, who is it for? Simply put, it is for ICANN-accredited registrars who choose to participate in RDRS, and the other side would be non-public gTLD registration data requesters. So you see a bunch of lists there. A few of them may be law enforcement agencies, government agencies, intellectual property attorneys, and cybersecurity professionals. It could be consumer protection agencies as well, some sort of researchers. Basically, anybody and everybody can use this system, as long as they have proof, they can prove the legitimate interest to the registrars.

I wanted to highlight some of the notable features from the requester side. So there'll be a template feature. So you can save as many templates as you want, which is basically a request form. So perhaps you have different use case scenarios. And you can create templates based on that, whether it be one or three or five, you can do that, which means it will simplify the submission process because by using the template, most of the fields will be filled out. I'll show you later how it looks.

There is another thing is the flag that you can put on, which is called Expedited Review Request. This is there to signal to registrars that you want faster processing. You will be required to provide the explanation

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as to why you think this warrants faster processing. And when you submit that Expedited Review Request, the registrar gets notified right away, as opposed to a day later. Because some registrars are choosing to be notified on a daily basis in a digest manner, “Hey, today you received three new requests.” But if the Expedited Review Request comes in, it will not wait until that daily digest time. It will ping the registrar right away so that they can be notified, there’s something that they need to look out right away.

That said, as mentioned, there is no Service Level Agreement established for this service, so it is up to registrar’s discretion in terms of how fast they can process these requests. And the registrar can also have the ability to change the priority level. So if they think your reason is not good enough for a registrar to jump on to processing it, they may re-categorize it from expedited to standard. This goes without saying, but if there’s an emergency situation, please do not depend on this system. As there’s no SLA, you should contact registrar directly, or police or whatever may be appropriate for that situation.

So RDRS is a proof of concept, meaning that it’s not the final product. Therefore, it doesn’t come with all the bells and whistles that were promised in the SSAD. This is also going to be operated for two years only as the data gathering exercise. So the scope is rather limited. So this service is not for registry operators. So if you need to contact registry operators, you cannot use RDRS. Same thing for ccTLD domain name registration data. For that, again, this service is not it. And also, if you’re looking for underlying data for the domain name that is utilizing privacy or proxy service, then you would need to contact the privacy or

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proxy provider directly outside of the system as this is not the service for that either. So I'm going to touch up on it later.

For privacy/proxy domains, the users are first always directed to use the lookup.icann.org to see if there's already contact information there. Because if there is, the registrar will be giving you the same information after going through the RDRS request process. So if the contact information is already available there, we recommend that you contact that number or e-mail address directly at that point.

Benefit for the requesters in terms of RDRS. I'm going to go through the whole experience later. But you don't need to look up the registrar first anymore. As of right now, I believe that's what you're doing. And this is a one-stop shop so it becomes more timely for you. You don't have to figure out who the registrar is, what form to fill out, what their requirements are. You just come to RDRS and use the template or form for the first time and just submit. Standardized form means that you don't have to figure out each time what you need to do and submission process remains the same. This is a ticketing system so you have a view of history, as well as currently pending requests. So you can see historically what you've been doing and what was approved or what's not, or that thing will be there in your view. I've already mentioned about templates and you can also upload any files.

Okay. So registrar side, as mentioned, this is a voluntary service for registrar to participate. But that said, obviously more registrars that use the better, right, because if requester comes to RDRS and the registrar is not participating, then you can't use this service. So we are heavily promoting this service in the registrar world. We're partnering with

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RrSG so that we can reach a wider audience. And I'm happy to report as of right now about 50% of the total gTLD domain names under management are represented already in the RDRS. So, just to know that we're still three weeks away from the launch, but already 50% of the DUMs are available in terms of data requests within the RDRS. So I think this is a good sign. And hopefully more registrars will be opting in before the actual launch at the end of this month.

STEVE DELBIANCO:

Yuko, on that, just a real quick question to the resellers associated with those registrars who have elected to participate, are they covered as well?

YUKO YOKOYAMA:

No, not in the sense of that 50% that I mentioned. It's purely about what registrar has in terms of domain under management. Thank you.

Okay. So benefits for registrar side. Not that you guys are registrars, but I want to quickly go through that, that it is both mutually beneficial in terms of requesters, as well as the registrars. Registrars, they no longer have to educate the requesters, so to speak, because there's FAQs and User Guide and all that within the RDRS. So things should be fairly simple. There's also standardized form to be used and establish processes and procedures. So this could be especially helpful for smaller registrars that may not have bandwidth to create their own procedure process webpage and whatnot.



This could possibly reduce the number of complaints from both registrar side, as well as ICANN side, to receive complaints from requesters because they're lost, they don't know what to do. But with this clearly defined process, procedure, and service, that is an expected benefit there. And again, it's a ticketing system so they as well have the view of past and current pending requests. This is on the Naming Services Portal, which the registrars already use. So it's nothing new that they have to learn.

Okay. So let's walk through the requester experience step by step. So before getting started with RDRS, just a little bit of history, how easy it was, and how difficult it is, and how it will be. So before 2018, you query the domain name and you get all the information—names, e-mail, address, phone number, all that you wanted, bam, in a second, it's there. But with 2018, everything is redacted. Well, I shouldn't say everything. Most everything is redacted. So it is a problematic.

So what are people doing right now? It's a complicated, cumbersome process. First, you have to look up who owns this, who manages this domain name. So you have to look up who the registrar is. And then you have to figure out the registrar-specific contact methods and request submission process. So you may have to make a phone call, e-mail, fax, or website web form. And they may have different requirements in terms of what questions to be answered, what attachment is needed. All that varies registrar to registrar. So each time that a requester needs to request a data is you never know what you need to prepare. So this could be very timely back-and-forth process.

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With RDRS, it's just two steps. First, you need to log into RDRS using your ICANN account, which I believe all of you have ICANN account at this point. And then you use the three-page submission form, fill it out, and hit submit. That's it. It simplifies everything. You don't need to figure out who the registrars are, you don't need to figure out what the requirements might be. It's all there.

So now I'm going to go through step by step. So first, you need to go to [rdrs.icann.org](https://rdrs.icann.org). Create an account, if you don't have it. If you do have it, just log in. By the way, this link is currently not working because the service has not launched. But come 28<sup>th</sup> of November, that link will be live.

So once you're logged in, there will be multiple tiles depending on what you use as an ICANN account user, but you need to select the title that says Registration Data Request Service. When you click on that, you will be taken to the portal view where you can see your past and currently pending requests. You can filter or sort depending on what you need.

You see that on the upper right corner that says, "Create a new request." So when you click on that, it first gives you a prompt, a little prompt that you have to click "Yes," which is basically what I said before. "Hey, have you looked into [lookup.icann.org](https://lookup.icann.org) because the information may actually be available already publicly." So if there's information available, there's no need for you to submit any request because you already got what you need. And if it's a privacy/proxy provider domain, then they need to contact those providers, because registrars likely will not be able to disclose the underlying data. So this is

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sort of making sure that we don't bombard registrars with requests that will result in the same thing that they can get publicly.

Once you click on Yes, you are taken to the first page of three-page form. Third page is just review your submission. So it's essentially two pages of data entering. And first page is just a simple domain name entering. So you input the gTLD domain name you'd like to request for the data. You'll notice that the name and e-mail addresses are grayed out because it's pulling from the ICANN account information.

So when you put that domain name, though, there's a possible error message that will come up. So if you entered ccTLD domain name, then the requester will be told that this is out of scope. However, you can contact the ccTLD registry operator directly. There's a link to the contact information. And if you entered a gTLD domain name but the registrars aren't participating, then again, there's a link to the contact information. They're also told that they can utilize the form by continuing to filling it out and print to PDF and use it for their own use to submit to registrar directly. The second part of that first page is additional contact information. If you wish to provide that, you can, but it's all optional. So you click Next.

Then you choose a category of what your request category may be. There's a dropdown that you can choose that best fits your needs. Then next is to select whether you want to use the Standard or Expedited Review Request. And if you chose the Expedited Review Request, you have to provide your explanation, as mentioned before.

Then you will select all or individually what data you are seeking for. And then you will have to identify country and territory of which the data will be processed if you were to receive that data. Then you're able to provide a brief description to make your case for why you need this data. Then there's a section to say if there's any sort of court order or subpoena, if so, is there a deadline to which that you wish this to be returned based on that order, and you can attach a final.

Then you mention that whether you're submitting your request on your own behalf or on behalf of third party. If so, you have to attach some sort of documentation to prove that you're representing this third party. Then you will assert your legal basis. And you can add attachments to make sure that you can make a case for your legitimate interest. And you click Next. That was all for the data entering at this point.

Then the third page, you review your input and make sure that everything is correct. You would need to agree and affirm to a couple of things. Then there is a feature that you can export to PDF, if you wish, for your own record keeping, but you would still have to hit Submit. When you do, there's that Confirmation page that you can see. And that's it, you're done for submitting.

In terms of creating templates, you can click on Templates on the upper right corner, and you can click Create New Templates. This will load that entire request form. The only difference is that you have to give it a template name, Template 1, Template 2, whatever it may be, and the description. At the bottom, you will have saved templates.

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A little note is that you can't save your attachment. So when you create a template, it's still not 100% submittable. So when you use the template later, you need to make sure to fill out certain couple of things such as attestation affirmation and attachments.

Steve, if you don't mind, I have few slides. Thank you. So when you create a template—this is a template view—you just simply need to click on Request Template button on the right corner for appropriate template, and it'll make your submission process much quicker and easier.

Then this is the last slide for me. I'm leaving with you the helpful links. Again, it's launching on 28<sup>th</sup> of November. So I would hope that you guys promote this service to your stakeholders, constituencies, your friends, your lawyers, whomever it may be. We do appreciate your promotion as well. Thank you.

MASON COLE:

Yuko, thank you very much for that. That was a very comprehensive presentation. I think, for those of us not immediately familiar in the BC with the intricacies of the RDRS, that was very helpful. We have a couple of questions in the chat but let me go to Steve first. Steve, go ahead, please.

STEVE DELBIANCO:

Thanks, Yuko. Good to see you again. Good presentation. In the template, let's suppose one of the BC members, Faisal Shah, has multiple clients for whom he's submitting requests. And if you go to the

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part of the template where he indicates—let's suppose he's doing some requests on behalf of a client, let's say Meta. In the template name, he might say this is a Meta request. Could he also upload his proof that he has authorization to represent that third party as part of that template? Thank you.

YUKO YOKOYAMA: Thank you, Steve. The templates cannot have the attachment. So that attachment of representation must be inserted when you click on Use Template, and then that will load the pre-populated request form. But then you would have to attach the attachments at appropriate places.

STEVE DELBIANCO: What did you imagine templates would be most used for on the requester side?

YUKO YOKOYAMA: What would I imagine the most used?

STEVE DELBIANCO: Yes.

YUKO YOKOYAMA: That's hard to say, Steve. I'm sorry but there are so many different variety of users. So we're trying to make sure that it's not catered to perhaps a one group of people, but it's usable by a variety of people.

MASON COLE: Okay. Thank you, Yuko. There's a question in the chat from Sven. Sven, can I call on you to pose your question to Yuko, please?

SVEN ECHTERNACH: Yes. Thank you, Mason. So the question is basically you mentioned, Yuko, that the registrar is deciding if a request is being legitimate or has a reason or not. The question is, if ICANN is providing some guidance to make sure that there's some consistency, how to deal with requests?

YUKO YOKOYAMA: That's a great question, Sven. Thank you. But no, ICANN cannot provide guidance on how to make a determination because it is solely dependent on the applicable laws and local laws. So every registrar has to do their own part based on their jurisdiction and applicable laws to do that determination.

MASON COLE: Thanks for the question, Sven. A couple more, Yuko, if you can indulge us. One is just on housekeeping. Marie would like to know if this slide deck can be provided to the BC to share. Is that possible?

YUKO YOKOYAMA: Yes. I can send it to perhaps Brenda if she can help—

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MASON COLE: Sure.

YUKO YOKOYAMA: Okay.

MASON COLE: That'd be great. Thank you. Then Dr. Jimson has a question about measuring the responsiveness of registrars, like how long it took registrars to respond through the requester within the ICANN system. I know that's been a point of contention, but could you cover that as well?

YUKO YOKOYAMA: Sure. Registrants are expected to come back to the service, the system, to log their responses. So we're keeping track of whether they disclose or not disclose, for what reason they denied, and also when they determine that disclosure decision. So we are keeping track of when the decision was made, and that will be logged in a self-reporting manner.

JIMSON OLUFUYE: Sorry. Thank you. Is it not possible to create a window for the requesters too to provide a feedback? And through that, ICANN can kind of double-check feedback. Thank you.

YUKO YOKOYAMA: We are not privy to the response time except for ... You're right. Requester registrar may report it, but we're relying on registrar to



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report that back. Also that if you think, as a requester, there's discrepancy or that information logged as a response isn't what had happened in real life, then you can always contact the Global Support or Compliance department if you believe that it's against the Contractual Compliance requirement.

MASON COLE: Okay, Jimson. Thank you. Steve, back to you.

STEVE DELBIANCO: Yuko, I wanted to give you credit for helping adjust expectations and policies after we met in the meeting at Hamburg. We were very concerned that when we do request, that ended up being done for a non-participating registrar. We were anxious to see the system at least retain the domain name we had queried and who was the Registrar of Record at the time we queried or made the request. I noticed that you sent a note around near the end of Hamburg and I circulated to BC. I want to thank you for adjusting that policy. I do understand that ICANN Org will be retaining the domain name and the Registrar of Record, it doesn't mean you're publishing it. But at least by retaining it, there's the opportunity to do analysis on that at some point, to maybe induce that registrar to please start to participate or to analyze the data for other purposes later. You can confirm that that'll be done from the get-go on the 28<sup>th</sup> of November?

YUKO YOKOYAMA: Yes, the data will be retained from the launch.

STEVE DELBIANCO: That's fantastic. Both the domain name and the Registrar of Record at the time I submitted it?

YUKO YOKOYAMA: Yes.

STEVE DELBIANCO: Fantastic. One other question. When we're demonstrating this to others—and that's Marie's point of getting the PowerPoint—or when you're demonstrating it to other members of the requester community, keep in mind that it's often a professional like Faisal who's submitting multiple requests, because a particular scam that's being perpetrated on one of his clients, that scam is hitting multiple different domain names, perhaps different registrars. So in the process of submitting seven requests for the same underlying entity, call it Meta, is there a way that it copies over the information from request to request to request? Or is there a way to bulk upload seven requests where the information is almost all identical other than the domain name? Thank you.

YUKO YOKOYAMA: Thank you, Steve. We did not introduce the feature to clone or copy the previous request, but instead, in that places the template that you can use.

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MASON COLE: Okay. Thank you for the question, Steve, and, Yuko, for the follow-up. We are at three minutes past the half hour mark. We're about three minutes behind. But while we have Yuko on the line, are there other questions, please, for Yuko?

FAISAL SHAH: Hey, yeah, I have a quick question, following up on what Steve was referring to. We have a similar system here, which is a WHOIS requester system, and we've been using that since 2018. One of the things that we've seen is that a lot of the registrars have asked us to provide our information in bulk. So do a bulk request. And this is coming from the registrars themselves. Is that something that you're contemplating or may do in the future? Because it might make it a lot easier for the registrars, make it a lot easier for the requesters?

YUKO YOKOYAMA: Thank you for your question. Bulk update has been discussed quite a bit. Because the registrar needs to review each request individually, we did not look into bulk updates. That said, the post launch, we still have two years to discuss this feature or the service, and the API is one thing that is remaining on the table for discussion. So there may be an API for requesters if we deemed necessary. So there may be a possibility in the future of the API making it a little easier, but not in terms of like a true bulk submission feature.

FAISAL SHAH: Got it. Thank you.

MASON COLE: Thanks, Faisal. Okay. Any other questions for Yuko, please? Okay. Yuko, thank you very much. Might I suggest that when ICANN get its first meaningful set of data, would you be willing to come back and be a guest of the BC again to discuss progress on the RDRS and what you're learning?

YUKO YOKOYAMA: Of course. I'm happy to.

MASON COLE: Okay. That'd be great. Yuko, thank you very much for being a guest of the BC today and thanks for your presentation. Much appreciated.

YUKO YOKOYAMA: Thank you. Have a good day. I'm dropping now.

MASON COLE: Okay. Take care. Okay. We are going to have to speed through our normal agenda items. Steve, right over to you, please.

STEVE DELBIANCO: Thanks, Mason. I have a brand new laptop this morning. So I've got to tell it to share the policy calendar, and I'd have to restart Zoom to do that. So you all have the policy calendar I circulated yesterday, so please follow along there. I won't be able to display it.

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Since our last meeting in Hamburg, we have not submitted any new public comments. And there's only one public comment that's open right now. It has to do with the Pilot Holistic Review and the revised Terms of Reference for that pilot review. I am very grateful to Tim Smith, Marie, Mark Datysgeld, Vivek, and Tola, for volunteering to draft the BC comment on their updated Terms of Reference. What you'll notice that between the prior and the current versions, ICANN has continued to scale back what is in the Terms of Reference. We, on the other hand, believe that the Holistic Review might be the only opportunity we have to adjust structural elements at the Board level, such as having four Board seats for GNSO instead of just two. That resolves the ongoing problem of having the non-contracted parties and contracted parties each select one Board member. You all know the anguish we go through in trying to come up with a compromised candidate between us and the NCSG. If we had two Board seats for the non-contracted parties, each of us would have one. And GNSO, after all, is over 98% of ICANN's revenue and well over 99% of ICANN's workload. So we're going to continue to insist that that be included in the Terms of Reference. And if it isn't, our comment will probably indicate that we believe it should be. So we're very public about that. I think we have the quiet support of the contracted parties since they gain an extra seat. I think NCSG is on board. ALAC might be on board if it included discussion of whether ALAC should have an additional Board seat. So these are interesting propositions that we'll put into the air, and I appreciate the volunteers who did so.

This comment doesn't close until the 27<sup>th</sup> of November. So sometime in the next two weeks, I'll be circulating that with at least seven days for

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you guys to review. Are there any additional volunteers or comments on the Pilot Holistic Review? Looking for hands or comments, none. Thank you.

The only other comment I had in the currently open item is the NIS2 implementation, transposition by the member states of the EU. We talked pretty extensively on this in Hamburg, and talked about the challenges too that come with implementation. That was the day zero of at the eco held that a number of us joined. I circulated a detailed report on what happened at that meeting back in back in Hamburg. Thank you for displaying that, I appreciate that.

So are there any updates or questions about the transposition of NIS2 by member States? Marie usually has some wisdom to share. Okay. I'm seeing no hands.

Let's scroll down to channel two, which is the discussion of Council. So we have a brand new councilor as of the Hamburg meeting. Lawrence Olawale-Roberts has replaced Marie, who was term-limited. So Marie, I would ask you, though, please join Mark and Laurence in giving us your views on the next Council meeting and what happened at the previous one on the 25<sup>th</sup>. So I will turn it over now to Mark and Lawrence and Marie.

LAWRENCE OLAWALE-ROBERTS: I'll be happy to have Marie take a stab, and then I'll cover up if there's anything to add.

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MARIE PATTULLO: I'm not a councilor. I shouldn't be talking. You should be talking, Lawrence. In all seriousness, I want to say it's wonderful that Lawrence has taken the seat, and I think it's going to be fabulous. The only thing that I think is worthy of note that was at my last Council meeting was the Statement of Interest, where everybody voted for it to go through apart from the contracted parties so it failed, which of course shows the structural issues that we have. Bluntly, no matter what we choose to do or not do, if the contracted parties vote the other way, it will never happen. They will always win.

STEVE DELBIANCO: Marie, stay on that for a moment longer, please. Share your insights about why they voted no and what comes next with SOI.

MARIE PATTULLO: Oh dear, we're being recorded. There is an unsubstantiated fear that the community is taken over by paid representatives without saying who pays them. These people are either working for very large companies, probably some in the BC, who have nothing better to do than employ large amounts of consultants, lawyers, whatever, to overstuff every single working group with every single PDP or GGP or whatever it may be, and they're skew the results. They also apparently work for lots of governments without saying who they are.

Now, the reason I'm being somewhat facetious here is because the policy staff did a statistical review. Because this isn't new, it's not new that you can say, "I'm aware and I'm not telling you who I work for." You just have to tick a box that you are working on behalf of someone

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else. So this exception, if you want to call it that, has been around forever in the SOI and has been used in an absolutely miniscule amount of cases—minute, tiny amount of cases. I'd also like to point out, it's an honor system. So if you're a liar, you're still going to be a liar. It's not going to make any difference. There's no enforcement. Why do I think they voted against? I think they've been the contracted parties and they are backed up by the GAC here. They're claiming they want transparency in the process. I'm going to leave that as that sentence because I can't speak for them. What happens next? I don't know. There were comments in the Council meeting that it should not stay with Council, it should be hived off somewhere, somewhere else in the community maybe. I don't know how or why or where. If it does stay in Council, Lawrence, it lives under one of the small team committees that I used to sit on, Lawrence. So that's going to be you. I'm saying, Lawrence, because bless you, Mark has already done this, and he made it very clear, he's not going back to that committee. I think that's the only thing I can say apart from, "Yay, go Lawrence."

LAWRENCE OLAWALE-ROBERTS: Thank you, Marie. In addition to the update from Marie, there's also going to be a Council vote at our next meeting, which is on the 16<sup>th</sup>. The vote is for approval action on the IFR. That's the IANA Functions. Basically, the IANA Naming Function Review. There's supposed to be some Bylaw changes based on developments from the registry/registrar side. I think Steve has also shared some information about this. His scope today is handled. I will basically wait also to learn from the BC what interest, I mean, we should go one direction. You think we should go on this?



STEVE DELBIANCO:

Lawrence, it's Steve. We had designed fundamental Bylaws to have approval action requests as part of the transmission of IANA from NTIA to ICANN. It was a way to give the community an opportunity to be able to agree to a change to what we call the fundamental Bylaws, and all of the reviews were fundamental. Currently on the IANA Function Review Team, Rajiv Prasad, is representing the BC. But this isn't about the current review. It's about what the Bylaws say about how the reviews are conducted.

As your policy coordinator, I believe we should fully support these minimal Bylaws amendments. And as you'll see in the text that's on the screen, they are truly trivial amendments to the policy. And the main exercise here was to show that ICANN knows how to convene the Empowered Community for purposes of approving a fundamental Bylaws change, that ICANN Legal takes it seriously enough that they published exactly what changes they're making and why, and that they seek the community's input.

I have to say it was on the final day at Hamburg, we were all pretty exhausted, but the entire Board and Legal team showed up, along with the leaders of the Empowered Community. GNSO was represented by Greg DiBiase on that panel. I was the only one to speak to it. And I applauded the fact that the Board and Org took this really seriously so that, well, someday, when we actually have a very controversial fundamental Bylaw, they're going to know having exercised that muscle, they're going to know how to convene the Empowered Community. And we might not always vote yes but, Lawrence, this is

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one where we should be a yes. And I'd be happy to hear any objections from BC members so we can put this to bed. If you could scroll the screen a little lower, Brenda, I'd appreciate it.

LAWRENCE OLAWALE-ROBERTS: Thank you, Steve.

STEVE DELBIANCO: There's no objection so I think we are an enthusiastic yes on this one, please. Brenda, would you scroll up to item five? It's the update on Lawrence's first meeting, all the way up to the top. Thank you. So Lawrence, this is item five, six, seven, and eight. I noted in a brief summary what you guys would be discussing and updating, but there's no vote scheduled. Why don't you recap those?

LAWRENCE OLAWALE-ROBERTS: Yes. Further discussion is going to happen in the next meeting on the EPDP. The working group has basically submitted the report. I'm sure they will start taking a look at this in subsequent meetings. A decision is going to be made. The same goes for item number six.

Item number seven brings an interesting twist to discussions. You recall that the Hamburg meeting, the Board went ahead to approve, so to say, that the auction proceeds continue without the working group that had previously been convened to work on some areas with adjustments, so to say, because there happens to be a need to indemnify ICANN from anyone who receives a grant for the testing the decisions made. So they feel this has been brought up for discussion at Council. The fillers are

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that if the Board is allowed to continue to make contractual changes of this nature, it will definitely overstep, might introduce a practice that oversteps the community. And there were talks of having the grant staff present at the SPS. But that have been stepped down and added to the agenda for next meeting.

So at the next meeting, there will definitely be discussions on how the Council should approach the Board and possibly express these concerns, especially since it's a practice that might affect the multistakeholder system as we know it. I presume that that will be one topic that will take a lot of time in the process of the coming meeting to see how we can take a way forward. That will be all for me.

STEVE DELBIANCO:

Thanks, Lawrence. Any questions for Lawrence? All right, Lawrence. I'll scroll down to the other Council activities. The first one, I'll give Zak and Arinola an opportunity to comment on anything new in the Transfer Policy Working Group since we had our last meeting.

ZAK MUSCOVITCH:

Thank you, Steve. The Transfer Policy Working Group has just launched the examination of the change of registered provisions in the Transfer Policy. This is a topic that the BC previously discussed and visited. I don't know how long ago, but well over a year ago, I imagine. I'm going to post into the chat what the BC's resolution was at that time. But this is something that as the Transfer Policy delves more into this issue again may necessitate a further call within the BC, perhaps just the BC members that are particularly interested, or broadly at a regular BC

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meeting, but something that Arinola will keep a close eye on. Thank you.

STEVE DELBIANCO:

Thank you, Zak and Arinola. Second item on there is the GNSO Guidance Process. This is the process itself done on Applicant Support. Lawrence represented us on that group, which is, I believe, concluded by now, the GGP group. But, Lawrence, you have some good news to report while we were in Hamburg and that some of what you had pressed for for so long was achieved. Why don't you summarize that I have in yellow?

LAWRENCE OLAWALE-ROBERTS:

Thank you, Steve. The group is still effective and meeting until December. December is the timeline we have set to turning the Final Report to the GNSO Council. But one very good development is that we have been able to have some consideration for business such that during the process of the Applicant Support, we expect that no entity, especially commercial entity, will be sidelined in terms of outreach [inaudible]. While there is still that language that there should be a focus on a lot of profits, the language chronically states that private sector entities should also be outreach, too. We had our last meeting, that was on Monday, this past Monday, and the meeting dwelled more or less around what the metrics of success should look like. We had proposed before the Public Comment that it should be the target of ICANN that 0.5%, just less than 1% of the entire applicants in the next round, should be applicants that went through the Applicant Support Program. The GAC came back in their comments that that was a pretty

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low number to set as a target, a minimum of 10 or 0.5. We've been having discussions on what success should look like. It's not so straightforward because it is proposed during the next round. So I'll just—

STEVE DELBIANCO:

We're down to just eight minutes so I'll hustle this along. The next item is something we've already covered, the Registrar Data Request System. Look, from that demo from Yuko and the questions that were asked, we were being polite, but this is really going to be a challenge to show value for the requester community that's represented on this call. At least we know that they will be capturing the domain names, Registrants of Records who don't participate. And I will work behind the scenes to pressure that those registrars be encouraged to join since otherwise, later on, there'll be a lot of data that's collected on how many requests came in dumped on the floor.

I would say too, Faisal, that a bulk upload, that was a trick question for me, because I had pressed for that for almost eight months, and was told no. So at this point, Steve Crocker, well known to you, Steve Crocker has agreed to he would develop an app that would be able to do a bulk upload from say, Google Sheets, Excel sheets, or comma-separated value text input. On the other hand, he needs support for that, both in terms of a user who is willing to do it and willing to help pay the expenses of developing that app. Is there anyone on the BC call that wants to be connected to Steve Crocker? Let me know. I see a hand up right now and that is from Faisal. Go ahead.

FAISAL SHAH:

Steve, the other thing that struck me is this is a two-year POC, right? I mean, this is ongoing. We're going to need to get our constituencies, everybody, continue to make submissions over a two-year period, and not just do it all of a sudden, then the first month and then stop. We're going to communicate that all of our customers, but we need to get that word out to everybody.

STEVE DELBIANCO:

Faisal, I've often predicted that if the submission brings very little satisfaction and doesn't actually make things easier, that is not likely the request would be sustained over time. So I've created the expectation, the expectation is we will try, at least initially, but if it's far too much extra work and the pain isn't worth the game, I don't know how we can compel people to stay in. But please, companies like yours make a good faith attempt to put a lot in initially. Okay. And then when the surveys come out every month, if in fact you've slowed down your submissions, the survey is where you would document. I slowed down the submission because more than half of them were being ignored for non-registrars, it was too much work without a bulk upload, giving you hypotheticals. For registrars who do participate, the responses were no better than we get with the direct outreach. So in other words, the value is not there.

So you keep track of your experience of the system. And within the first probably six weeks, you'll have an opportunity to share your feedback with that. I don't want you to wait for the survey, though. Whenever we

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have a BC meeting, I will ask at least for informal observations from those of you that are using the system. I don't think a sustained two-year period is realistic if it doesn't deliver value. And yet you're right, we have to demonstrate at least initial demand or ICANN will believe we don't need to do anything.

FAISAL SHAH: How long is the survey going to come—

STEVE DELBIANCO: It's not ready yet. It'll be—they said every month, but I doubt it will be that often. I imagine it'll be every other month. And the first one, that'll be where we'll share all of our initial observations. But I don't want you to rely only on the survey. Since I'm on a small team or a Council that is overseeing this implementation, I can take feedback directly from you, you can just call me, and I can start to feed it in. And that goes for everyone on the BC call when you use the system. I'm not confident we're going to get much value out of this.

FAISAL SHAH: I got one other question. If we're getting inaccurate information from the registrars, what do we do with that? We just submit it to the support, Compliance?

STEVE DELBIANCO: Yes, exactly. Which is exactly what you do now. All right. Awesome, Faisal. Okay. The only other thing we had on here was CSG. Tim had to

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drop early. I have an update in there on CSG, which is really just what happened while we were together at Hamburg. So that concludes the policy calendar.

Crystal, why don't you give us an update on what's going on with the RAA amendments?

CRYSTAL ONDO:

Sure. I just put a link there. It's to the ICANN public website that's tracking progress. You can click on voting progress, and it'll scroll you down. Both the Registries have hit their required thresholds. And the Registrars as of yesterday hit the 90% of DUMs required to pass. So at this point, we're just holding our breath. Voting stays open one more month. As long as people don't change their votes, both the amendments should pass just barely. And I would just like to say it was a huge effort on both sides of the RySG and RrSG to reach out to members and convince them that this is in the best interest of the community. So it was not an easy task, even though we got there sooner than we imagined we would.

STEVE DELBIANCO:

Crystal, thank you for all the effort you put into that. I think that's a great sign of cooperation between contracted parties and CSG. Thank you. That's all I have from policy calendar. Back to you, Mason.

MASON COLE:

Thank you, Steve. All right. We've been playing a little bit of musical chairs on the Executive Committee. Lawrence, as you know, is taking



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over Marie's seat on the GNSO Council. Tim Smith will be our new vice chair for Operations and Finance. And as such, there's a little bit of unclarity, I guess, at this stage. But, Lawrence, do you have a quick Finance and Operations update that you can share with us?

LAWRENCE OLAWALE-ROBERTS: Yes. First of all, we want to welcome Anita of Verizon to the BC. Can you hear me?

MASON COLE: Yes, go ahead.

LAWRENCE OLAWALE-ROBERTS: Okay, sorry. Tim and myself are collaborating on how the handshake will be. We've set up meetings in the days ahead. But at least in terms of Finance and Operations is resetting the basic committees. We are hopeful that we will have more members actively joining our committees. The Finance, Credentials have done such a great job so far, and all the other committees.

Aside from that, something else that has a deadline is the Additional Budget Request for the BC in the coming year. Tim will be working with the rest of Membership to identify what areas we would like to have extra funding from ICANN cover, and put together the proposals that should hopefully get us there.

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We have some outreaches planned for ICANN80 in Rwanda. In the next meeting, we'll take some more bits around that. That will be all for me based on the time that we have.

MASON COLE: Okay. Thanks, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Jimson has his hand up.

MASON COLE: Yes, Jimson, go ahead.

JIMSON OLUFUYE: Okay. Thank you very much. Greetings, everybody. Well, I just wanted to know whether we have changed our fiscal year because I'm used to—that should be in FY24 now, as it starts in July 1. So the concern is I have not seen the budget for FY24. So is there any update on that?

LAWRENCE OLAWALE-ROBERTS: Yes, we have a budget for FY24 that we are currently operating on. I have some arrangements. We're working along with the accountants, and once we're through with the records and all that, that's when we tend to share with Membership.

JIMSON OLUFUYE: Okay, nice. Thank you.

MASON COLE: Thank you, Jimson. All right. We're one minute past time. Lawrence, thank you for being so efficient there. Is there any other business to raise for the BC today? Okay, Jimson, I assume that's an old hand.

Okay. Our next meeting is in two weeks' time. Brenda, is that right? Are we running up against the U.S. Thanksgiving holiday? I haven't looked at the calendar.

BRENDA BREWER: It's actually three weeks from today. So it'll be November 30<sup>th</sup>.

MASON COLE: Okay. Very good. We'll see you all in three weeks' time. Otherwise, let's pay attention to the list because we've got a lot of work ongoing right now. We'll speak to you on the 30<sup>th</sup>, if not sooner. Thanks, everybody. BC is adjourned.

JIMSON OLUFUYE: Thank you, Mason.

[END OF TRANSCRIPTION]