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BRENDA BREWER: Good day, everyone. Welcome to the BC membership call on the 18<sup>th</sup> of November, 2021, at 16:00 UTC.

This meeting is recorded. Kindly state your name when speaking for the record. Attendance is taken from Zoom participation.

Apologies received were from Mason. Therefore, Steve will host the call today. And I'll turn it over to you, Steve. Thank you.

STEVE DELBIANCO: Thanks, Brenda. Greetings, all. We'll get right into it. Are there any changes to the agenda that's displayed on the screen at this point? Any changes to the agenda?

Great. Then I will bring up the policy calendar that I circulated to you yesterday. It's on the screen now in case you don't have it available in your inbox. And I'll get through it quickly. We don't have any comments posted since our last meeting, but we do have one new open comment period. It's on the screen now: #1.

And there are a number of proposed revisions to ICANN Org's disclosure policy for documentary information. This has existed for a decade, but during the transition from the IANA contract to ICANN, one of the things that the BC and many of us on this call insisted upon was better transparency about what ICANN Org is up to so that members of the community can assess whether bylaws were violated, what policies were followed.

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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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The outgrowth of that was what was called Work Stream 2, which came up with a number of improvements to the documentary information disclosure policy, or DIDP. Those improvements then, four years later, are still being implemented. And any time you want to figure out what DIDP is all about, I put a link in there. Right here. It's a link to the actual policies themselves. I don't think you'll be surprised to see that ICANN Org does their best to disclose only the bare minimum of what's needed when somebody asks for disclosure. And for the most part, they disclose things that were already public on some other deeply buried webpage. Not all that useful.

Now, the recommendations that we came up with on Work Stream 2 were endorsed and incorporated some of the BC comments. John Berard and Jay Sadowsky were instrumental in making that happen for the BC. And this was back in 2017. And finally, ICANN Org is getting around to coming up with some of those changes. This is only about a five-page document in which there are only a handful of changes that ICANN is making. They are not particularly important to us. They're mostly finding ways to categorize what things they're allowed to disclose.

What I need is a volunteer from the BC to help us assess this little five-page document of changes and come up with a BC comment where you can rely heavily on what John Berard and Jay Sadowsky did four years ago.

Can I get a volunteer? This person doesn't need to know anything about ICANN policy but is interested in transparency and documentation of procedures and things that were followed. Who do we have that could

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help with that. Somebody who hasn't worked on a comment yet? I'm looking for a hand. This is a perfect one for one of the new entrants to come in because I know you'll be able to lean on John Berard and Jay for some help since they're the ones who authored the comment in 2017. Given the BC took a strong stand on this, which of you have some work on transparency of organizations or are interested in tweaking ICANN Org about the transparency they offer?

Nobody? Disappointing. All right, I'll ask again in two weeks, but at that point, it's too late. We will have missed the comment period. It closed December 6<sup>th</sup>.

All right. The second item up is on the European Parliament and its efforts to right the ship of GDPR. And they did it through NIS2. It's an entire process we've been speaking about in the BC for over a year. And I'm imagining it will go several months more. It ends up being an opportunity ... Yeah, thanks, John. I appreciate it. I voluntold you, right? Thank you, John. You always do.

So the NIS2 process itself. I have a brief recap on the screen of what we've done since May. And in November, though, we had a couple of interesting outcomes. The European Parliament released its report, and there's a link there on the proposed directive, on the [common level] security. And then there was some surprising rapid movement that came out of this on November 11<sup>th</sup>.

So, Drew, I'd like to turn it over to you. Nick and Marie, please feel free to chime in as two other experts. So I'm looking for Drew. Are you here yet? Drew Bennett.

DREW BENNETT:                    Yeah, I'm here.

STEVE DELBIANCO:                Excellent. So, Drew, I'll turn it over to you. You can tell me to click on documents you wish to bring up. I have all those hyperlinks there. The floor is yours.

DREW BENNETT:                    Great. We got a lot of documents there. But first I want to correct you a little bit, Steve, with a good news/bad news. The good news is we have not been working on this for over a year, if you can believe it. [inaudible] initial draft from the commission, I think, didn't come out until early December of 2020.

STEVE DELBIANCO:                It just feels that way.

DREW BENNETT:                    Exactly. But then the bad news is—you said it'll be a few more months—it could be a few more years. However, I think the advocacy we've been doing as the BC may be coming to a peak in these next few months, starting with a letter I want to propose that we write. But, first, that update, yes. I think ... I'm not sure if we updated everyone last call that—

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STEVE DELBIANCO:

Everything is new since the 5<sup>th</sup> of November, Drew.

DREW BENNETT:

I see, yeah. The final report from the lead committee, which had been [inaudible] amendments, receiving input on proposed amendments. Those were finalized. Our report came out. Folks can read it there. There were a lot of positives. In fact, I think the bottom line that the BC needs to understand is that this will now be proposed legislation. Seeing it through with particularly Article 23 and some other provisions that we see will be real positives for WHOIS access, seeing those intact, and seeing the legislation through will be most important. There are still a couple other asks that we'd like to see made.

And we want to start that out with introducing ourselves to the Council of the EU, which is the next interinstitutional body that comes into the process—not that there's final proposal from the parliament. And then these two bodies will negotiate that legislation from here with the European Commission playing honest broker in between.

And so we'd like to send a letter to the presidency of the Council of the EU, saying who we are and how we applaud the efforts already being made in parliament. Just something really positive.

We may have an ask in there as well about our main remaining issue: the lack of a definition for legitimate access seekers. There's also ... I see we have a national [inaudible] in there. But I already have a drafting group and some talking points, basically, for the letter. And so there's a lot of content ready. And so I guess I just wanted to put that out there.

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Steve, I don't know what the process would be in case there's objections to us writing another letter.

STEVE DELBIANCO:

Drew, the process is that, ideally, the BC members have seven days to review before it's sent. That puts a little pressure on the drafters. The only exceptions we can make to that is we could condense that for a few days for expediency, particularly when the letter is drawing upon positions and statements the BC has already made, not just to the European Parliament and ITRE, but comments that we've made on the EPDP, particularly on the Phase 2A final report. So as your policy coordinator, I always review the drafts and, if there's anything in there that deviates from a previously approved position, I can quickly scramble a member review.

So talk to me about your calendar. What do you have in mind for when you want letters to go to the BC to the council committee?

DREW BENETTE:

Great. Well, I think, in that case, the drafting group can get a final draft and then, by e-mail, we can start that seven-day clock. And I think that's fine, even if that ends us with us two weeks now because of the holidays. I think it'd be fine to send this the first week of December, although I do turn to Marie and any others because I think, as you saw in my e-mail, I was saying, "Let's write it to the Slovenian presidency. Let's cc the French, cc the commission, and just get on the record and ensure there's some momentum from the two presidencies on this."

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Marie or others who would have more expertise, could we send as late as the first week of December? Is that still effective?

STEVE DELBIANCO: Drew, I wanted to note that it's only a holiday for the USA for Thanksgiving. So we won't let it get in the way of a seven-day clock. Let's get it started.

MARIE PATTULLO: I can jump in briefly, Drew. This is Marie. The Slovenian presidency, as you know, ends at the end of December. So, realistically, it ends mid-December. They have control of the agenda at the moment, but the possibility of moving their agenda between now and a month from now is minimal.

The French? Definitely much more important, I'd say. But that said, when you're writing to them, remember that you're not necessarily only writing to the presidency. I'm sorry. I should backtrack. For those of you who don't know, the European Union changes the president of the council every six months. It rotates among member states. So that's the explanation. And one of their jobs is to set the agenda for all of the working groups and the technical stuff that happens in the council.

That said, to go back to what I was saying, Drew, we want to, of course, be writing to the member states themselves, the member state reps, the touch points in the member states, the ones that are mostly likely to agree with us, and/or to find out which are most likely to disagree with us. So it's not really just the presidency.

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I don't know if ... Is Nick on the call?

DREW BENNETT: No.

MARIE PATTULLO: No? Okay. So [inaudible]—

DREW BENNETT: Right. I think we'll have outreach to the member states themselves. The idea here was just, I guess, to get on the record and introduce this to as a wide a constituency as possible. I guess I was thinking that we would be seen by other member states in some ways with that letter. And this is also about agenda-setting, too.

MARIE PATTULLO: Yes. Sorry for interrupting. I was up far too early. I've had far too much coffee. My brain is not behaving itself. I wasn't clear. And my apologies. What I meant wasn't necessarily writing to the member states as in Paris, Madrid, Stockholm. What I meant was, as you know—but forgive me because not everyone on the call does—the co-legislators, the guys that actually make the law in the European Union—on the one hand, the European Parliament, and on the other hand, the council ... Now, naturally, the council ... You don't get all of the, let's say, telecoms ministers coming to Brussels and doing the donkey work. That's not what happens. We have a permanent staff of the council in Brussels,



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and all of the member states have a permanent office in Brussels, the committee permanent representatives (Coreper, in the lingo).

So that's what I meant, Drew: writing to the guys who are the representatives of the member states on the council's working party—so your guy who's in charge of digital policy for Germany, your guy who's in charge for Sweden. That's what I meant—not the ministers themselves because I'm not sure how much the ministers themselves ... Obviously, it's only when that comes to council for an actual vote that they take the vote. And of course, they do it based upon what they're fed by their working party. So it's those guys that I was thinking about more.

When we come to the member states themselves, as you know, I would always advocate that we get a Swede to talk to a Swede, and a German to talk to German, and so on.

I'm sorry for talking too long. I hope that made sense.

DREW BENNETT:

No, it does. Okay. I think the immediate next step is to continue as planned. Let's get something on paper. And then it might be two weeks from now when we need to take a look and figure out who it's effective to send to and how. Is it just a cc to their reps on the council working party? But like I said, I've got some folks who've been working on drafts of advocacy in Europe, so they're [already together]. If anybody else wants to join on that, please e-mail me, actually, because I actually unfortunately have to bounce here. But I'm putting my e-mail there. [inaudible].

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And then, Marie and others with expertise on the mechanics here in Europe, we can then get together once we have that on paper and figure out the best way to send it. And even if that may mean at that point we actually wait until January, I think that'd be okay.

STEVE DELBIANCO: The decisions about when to send and to whom are not the kind of things that BC membership would have to take a seven-day review on.

DREW BENNETT: Yeah.

STEVE DELBIANCO: It's really the substantive points. And we can work out a lot of those details based on those who really know the way things work in the parliament and the schedule.

One thing I wanted to ask you, Drew and Marie: on the screen, are the two, in red, amendments that were initially suggested by Dean Marks and then were echoed to some extent by those of us who reviewed the e-mail. And I carried them forward. But I do want to understand number one. How is it that we would claim that natural registrants would have to have the e-mail address public? What is our hook on NIS2 would require that to be published? Do you see what I'm saying? Where does this even come from in the law?

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DREW BENNETT: To be honest, it's a point that we're going to discuss as a drafting committee if we want to make ... We haven't made it in those terms in the past. But basically, it would be that, in the interest of security, this would be a legal requirement that member states could make.

Now, of course, they always could make it, but putting it into the directive would create a baseline and guidance.

STEVE DELBIANCO: The BC is never afraid to reach high.

DREW BENNETT: Right. That's what they would be.

STEVE DELBIANCO: Exactly. It would be a reach. And I just don't know that we've even made this ask before.

DREW BENNETT: We haven't in those terms. We have encouraged it and we've talked about the narrative. For example, the country domain of Denmark has effectively made this a requirement in the past.

STEVE DELBIANCO: I would recommend that it come from investigators and public officials—those [who] have already been recognized as legitimate access seekers. Let them ask to put this in there, and then we piggyback

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on that by sneaking our way into the list of legitimate access seekers in round two.

DREW BENNETT: Right. And that's exactly what ... So Dean's point here ... Yeah, I guess we crossed wires, Steve, but I kind of didn't want this in our policy calendar. And we'll send an updated one. But that point in particular is what Dean will be doing along with a coalition of public safety, online safety, and child safety organizations in Europe who are much better positioned to make that point. It would be my opinion that the BC doesn't necessarily need to make it.

STEVE DELBIANCO: Yeah.

DREW BENNETT: But I will put all of the potential points out there for the drafting committee to discuss and consider.

STEVE DELBIANCO: Right. And when you followed up quickly with me on edits to the policy calendar, I [implemented] those edits. They were up above in these paragraphs. I didn't realize that the entirety of your edit was all that you wanted to include. So my bad.

DREW BENNETT: Yeah, I think there's two separate e-mails [inaudible].

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So I think that's all. That sounds like a good plan. And like I said, folks can reach out to me directly.

STEVE DELBIANCO: And we already have a small drafting team. It's a matter of whether additional individuals would wish to help.

Are there any questions for Marie or Drew? Raise your hand now or put it in chat. Any questions for Marie or Drew? And, again, as your policy coordinator, my job is to ensure that, if the letters include substantive points that we haven't already approved, the BC members have full ability to review and approve.

DREW BENNETT: Great. Thank you, everyone, for your time.

STEVE DELBIANCO: Thank you. Marie, you want to pick it up on your speech at EURALO and the high-level group?

MARIE PATTULLO: Sure. Very briefly, EURALO, as you know, is the European arm of ALAC. They have what they call a readout after each ICANN meeting. They asked me to be the BC person who did that. Granted, with three minutes each on your priorities ... You know what they were because you were all at the last ICANN meeting. It went very well, but obviously we raised DNS abuse, restoring legitimate access to registrant data, and

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the infamous implementing of the regulations that are stuck somewhere on a shelf somewhere in ICANN World despite the fact they were adopted.

The best information that I have not passed onto the members about this, Steve, although I know that you know, is that ALAC invited the BC to dinner in the chat of that meeting, and I graciously accepted on your behalf. So I will be following that up.

And in all seriousness, when we do get back to face-to-face, I think a group of us—as many of as possible—and a group of them from ALAC ... It would be a really good idea to sit around a table and talk.

So that was the EURALO one.

Then High-Level Group on Internet Governance is the European Commission's bit of its preparation for the IGF. So I thought you'd like that concept, Mark. I told them I wasn't cooking, but apparently, they said they've got good chefs.

Now, in the IGF prep within the EU, we have this group called the High-Level Group on Internet Governance, which brings together the member states. And the industry is invited to a session with them. It's sort of half of their meeting, half a day. You've all got the notes about that.

The only action point I have from that is that you would have seen that or you already know the commission has its own study on DNS abuse that should be coming out around the end of this year. And one of the things that Pearse O' Donohue, who, again, most of you know—he's the

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guy that represents DG Connect in the GAC—said was that, at the next of these meetings—they’re normally about six months apart—they’re going to have a session on DNS abuse looking at not just this report but he also mentioned that people have approached him to give presentations. So as you saw in my notes to you, I’ve jumped on that idea because I think the BC should be one of those people.

Now, I’ve already spoken with Mason about this. And, Steve, we can take this offline, of course. But I think it’s an opportunity that we should not let go if it’s a possibility for us to get our perspective in there.

STEVE DELBIANCO:

I fully agree, Marie. And I appreciate the explanation. And the high-level group then ... What is the interaction—for those who are not familiar with European politics—between this high-level group at the EU and the committees and council we’ve been discussing earlier on the call?

MARIE PATTULLO:

Completely different things. If you like, this one is about Internet governance. So they are the guys who would get together the European Union and all member state positions for the IGF. It’s that side of things. So this is not a legislative group. This is where the director general—so the department of the European Commission; so the civil service ... This is where they come together and sort out policy leads and start developing policy recommendations. And at this meeting, they also give us updates on the various strands of EU policy that are being developed, all of which I’ve outlined for you in the notes of the meeting.

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The council, which is the member states themselves, sits in different formations. So if you've got a telecoms council, the telecommunications minister comes. If you've got an agriculture council, the agriculture minister comes. That kind of thing. But they are the guys who actually make the law. They and the European Parliament make the law.

The kind of people who come to this, for example, would be Mark Carvell from the UK, if I could throw one name at you that you'll understand. And also Nigel, of course, was there this time, now that he's gone back to the UK government. Nigel used to be with ICANN.

STEVE DELBIANCO: Yeah.

MARIE PATTULLO: So it's that side. I hope that makes sense, Steve.

STEVE DELBIANCO: It does.

MARIE PATTULLO: Cool.

STEVE DELBIANCO: And I'll just briefly share the e-mail that we spoke of. Marie circulated it to the BC private on the 10<sup>th</sup> of November. I have it up on the screen right now. And that's where Marie gives this high-level group updates



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from the commission on priorities. That's another name we'll all know: Pearse O'Donohue, who's been at a couple ICANN meetings. And as usual, Marie's notes are copious. She's included screenshots of the slides that were presented. And those were presented by the high-level group staffers.

MARIE PATTULLO:

Most of those were presented by the various people in the European Commission who were in charge of this dossier. So they are the guys that actually know what they're doing.

Now, that's the part, Steve—yeah, if you can [block] there ... Thomas De Haan comes from DG Connect and the European Commission. He explains there on that slide the scope of the commission's own study on DNS abuse. But if you look at the parts I've highlighted, this is where ... Mason, I know, isn't here today. His suggestion—and I think it's a very good one—is maybe we get MAAWG or Interisle to do it.

STEVE DELBIANCO:

Yes.

MARIE PATTULLO:

But we need to take this offline and discuss with the abuse guys. I mean, I don't know that we'll get this slot, but I think, if we don't ask, we definitely won't get this slot.

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STEVE DELBIANCO: Right. And we should request this slot and then figure out later on who we plug in. I don't think we need to line somebody up before we ask. Right?

MARIE PATTULLO: Well, and then we've got to decide who's going to approach them. I mean, I can do it, but you probably know Pearse better than I do. But we can take this offline. We don't need to bore everybody with this.

STEVE DELBIANCO: Right. So if we get the slot, we'll work on what the messaging is. It depends on who it is we present.

Anything else you wanted to highlight here?

MARIE PATTULLO: Nope. It's all just letting you know what happened there on the line. You've got Elena who, as you know, works in ICANN's Brussels office and used to work in DG Connect. So that was explaining her view—well, ICANN's view—on what happened at ICANN72.

Oh, there is one thing that is interesting—the part that you have highlighted—because Elena, of course, was explaining the ongoing world of the SSAD and naturally picking up some of our issues as to how much is this going to cost. If you look at the part that's highlighted—the second highlight that starts with [inaudible] where he said he was worried because he doesn't think that there should be a cost—if you read that quote from him there, which of course Elena came straight

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back with, "I think you'll find this is what the recommendations in the EPDP said," I thought that was really interesting. We have an ally there.

STEVE DELBIANCO: Yes. And if NIS2 ends of requiring publication, then that publication doesn't carry a cost for those to read it.

MARIE PATTULLO: Absolutely.

STEVE DELBIANCO: All right. Any questions for Marie?

Marie, thank you again for the amazingly detailed report. I don't know how you do that, but I appreciate it.

All right. I'll go back to sharing the policy calendar itself. And we'll move down to council. So, Marie, have another cup of coffee, and you and Mark can talk about the council meeting that was held several hours ago on the 18<sup>th</sup> of November. But is there anything you wanted to cover on the 27<sup>th</sup>-of-October meeting, since we have not met [inaudible]?

MARIE PATTULLO: Okay. All right, I'll kick off and then I'll hand it over to my friend. What I need to say first is that Mark is extraordinary because I think it was 3:00 A.M. that we kicked off the council meeting this morning in Mark World. So the fact that Mark was actually on that council and active and is here I think is really quite extraordinary. So hats off to Mark.

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The meeting that we had during ICANN72. You all know, I think, that the main outcome of that was that the BC and the IPC and one of the NomCom appointees, Carlton, voted against the Phase 2A being approved. We lost, obviously. We knew we were going to, obviously.

I don't think there's anything else we can say about that, Steve. You know what's happening there.

STEVE DELBIANCO:

I did want to mention so that members understood, that when you look at the numbers, you see 8-5, 7-0. You say, "Oh, was it 15-5?" Well, that's not how it works in council. Council is a split house. So it's considered a super majority if it passes with a majority of one, and three-quarters in another. So that was carried with a super majority. It's the highest level they needed. And it means that it becomes nearly essential that the Board of ICANN implement without question ... Well, I shouldn't say "without question." They can't ask questions for clarification, but it's very unusual for the Board to reject a recommendation that come over with a GNSO super majority. That's unfortunate since the Board is the place where ALAC, SSAC, and GAC finally get to assert their opinions, remember, because their opinions didn't matter inside of council. It's one of the things that we do think need to be changed: the way in which council does policies that are not accounting for the opinions of stakeholders like governments, security, ALAC. And we think we can make a lot of improvements there.

So at this point it goes to implementation and there's going to be a review team. It doesn't seem to me like we have an obvious role on that

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review team. And if we did, we'd have to recruit a volunteer from among BC members.

Why don't you go on and talk about this morning's meeting right here?

MARIE PATTULLO: Okay, I'll start but then I'll hand over. I really hope you've had some sleep in between, Mark. Honestly, I do.

The most fun conversation we had this morning was really bizarre.

MARK DATYSGELD: Can I take that one, Marie?

MARIE PATTULLO: Yeah, you can. So I'll leave that one to you. You know what? I'll just hand it straight over to Mark and I will giggle in the background. Go, Mark.

MARK DATYSGELD: Thank you so much, Marie. I did sleep some. We had a strategic meeting before as well for the council, so it's been back-to-back council for me for the past twelve hours, I think. So, fun times.

So, basically, we assembled ... Let's start a little further back. The NomCom asked the GNSO Council for input on what kinds of candidates we are looking for: the NomCom appointee chairs. And for some reason, the consensus that seemed to emerge or that was forced upon

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the council that we wanted people who are external to the process because there is a feeling that, by bringing somebody who's somehow affiliated with any consistency, this would upset the balance as if there was somehow a balance there to begin with. We pushed back. "This doesn't make a lot of sense. GNSO is very complex. It's a policy steering committee that requires a deep understanding of ICANN."

And this was then brought to a small group. I was part of that group. We debated a lot and reached the conclusion that this is not the angle to go for. "Let's go for general characteristics about experience, about involvement, and let's not talk specifically about affiliation."

Stephanie decided hours before the council meeting to submit a new draft basically reversing everything the small group had done. And I don't know ... She wasn't in the small group. She had a representative of her constituency in the small group, but somehow—maybe it's my lack of experience in the council—this still flew. Somehow this is still a thing. And we were forced to discuss this. And it doesn't make a lot of sense.

So now we're stuck with this. The motion had to be dropped. And apparently, unless we keep pushing back on these minor, insignificant things ... This looks like trench warfare. If we don't push back on the [insane] little things ... It looks like a strategy, at least from my point of view, because then we have to keep pushing back on everything and we look like the boring people, the annoying ones, the ones that always want to have their way. That's the broader picture they want to paint of the BC and the IPC.

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And they're managing to do it because, what exactly are we going to do? Say, "Yeah, the council needs totally external people who don't understand the process, and they spend two years learning how a council works"? This is not exactly difficult, but it paints a bigger strategy. To me, this is not about this little thing. It paints a broader strategy of ... Since Marie is such a strong force in the council ... The IPC councilors are very good. I have been trying to do my best to fight the [corners] that I do know how to fight.

So this is a way to upset the workflow. And broadly, it's successful. The council is very permeable to that thing. It's a good strategy. We'll keep you posted on that.

The motion has been withdrawn and we are going back to the drafting phase. So, fun times.

Over to you, Marie.

MARIE PATTULLO:

No, I'm just laughing. You're absolutely right. I couldn't agree more. I put the quote from Stephanie from her e-mail into the chat.

Steve, do you want to turn to Barbara before we go on with other issues on council?

STEVE DELBIANCO:

Go ahead, Barbara.

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BARBARA WANNER: Thanks, Steve. Mark, I was just wondering. Where was the ISPCP amid all this discussion? If indeed you regard this—and I respect your involvement in this and your perspective ... But indeed, if this is part of this broader Non-Commercial Stakeholder Group strategy to invalidate, if you will, the work and the inputs of the BC and the IPIC, did the ISPCP weigh in at all during these discussions? I'm just curious.

MARK DATYSGELD: I do not want to make a binding statement about this, but I would say that, in general, they have not been fighting or cornered. They have not sided with us on a lot of things. Marie can correct me. She has more experience. But in general, I do not see a lot of support from them.

MARIE PATTULLO: Couldn't agree more, Mark. You're absolutely right. And also remember that the new council for them is Thomas Rickert.

BARBARA WANNER: Oh, okay.

MARIE PATTULLO: Uh-huh. Steph's points seem to go to: "We need new blood. There's a revolving door." She says that, with the NomCom, one of its jobs is to ensure we get new blood.



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And Paul McGrady very politely and very kindly was saying, “That’s interesting. I did not know that. Please could you please explain to me where this came from?”

The revolving door—I have no idea what she’s talking about because I’ve never seen a councilor come straight off council and be appointed as a NomCom appointee unless we’re talking currently about Tatiana. But that, of course, is on the ccNSO. And she’s NCSG. There was quite a lot of people seeming to agree that you just need general interest in the ICANN multi-stakeholder model, but to me this is insane. That’s my word, no one else’s.

And complete kudos to Mark for being on the drafting group for that. And I guess you’re going to be on the drafting group for ... From what I understand from what Philippe said, you have to go away and try to integrate this 11<sup>th</sup>-hour change from the NCSG plus all of the comments that you got in council. So good luck, Mark.

Unless there’s something else on that one, I’m going to hand it back to you because you can talk about universal acceptance and I can’t because you know everything.

STEVE DELBIANCO: Go ahead, Mark.

MARK DATYSGELD: We had a brief update from the UASG. So, fundamentally, what they want to do moving forward is they want to have deeper relationships

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with the constituencies to both communicate their needs and to hear the constituency needs.

So to give a small example, say your company is having difficulty handling a new TLD that you want to implement or an IDN. They want to have a channel directly with the constituency so that this is smoother, that this is something that has less friction.

In the BC's case, this doesn't apply too much because you already have liaisons. So you have both Marks. So we are already doing that. But in the broader sense, this is an interesting initiative. It remains to be seen how it will develop, but I think it is good. It is taking something that's a little outside of the immediate community's purview and finding ways to integrate it better. Thank you.

STEVE DELBIANCO:

Thank you, Mark. The only other item I had one here was the presentation. And I was not on, so I will have to listen to the recording. It's on a new discussion draft that came out of staff. Theresa Swinehart's name is on it, but it's my belief that Marika did the writing, since she defended it so significantly on the first call we had on Monday this week. And they call it a thought piece because they don't want to be accused of having staff telling the council how to run things. But it's really a lessons-learned from the past about awkwardness in implementing recommendations that inherently change previous GNSO policy. Everybody's example of that is Rec 7 and what it did for thick WHOIS.

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Now, it's going to be a very contentious group if we end up trying to relitigate what actually happened on Rec 7. And so I made the suggestion that use hypothetical situations and treat them as stress tests. So you present a plausible problem in hypothetical terms and assess whether the methods and procedures in GNSO can handle the stress of recommendations that might conflict with existing policy. If you do it that way, you avoid fighting over what actually happened on Rec 7, who's fault it was, was it good, was it bad. And we'll never get anywhere without that.

So most of the group supported that on that Monday, but I'd be curious as to what was said today. Marie or Mark, can you give us any update? Was there anything new about this today?

MARIE PATTULLO:

There wasn't really. They were trying to justify where it came from. I understand that there were three questions that you'd know about that were sent to the authors, and they didn't actually reply, from what I can gather. They're saying that there's no major rush, that they just want to understand, they want to help. There was a lot of concern I saw from some of our fellow councilors, saying, "What is this about? Who asked us this? What's the point? What's the rush?"

So I think you are going to have your work cut out there, Steve, but I wouldn't say you're going to get a lot of meat out of this morning's discussion, though. But, Mark, feel free to contradict if you picked up something I didn't.

MARK DATYSGELD: It's exactly that. Nothing new on the horizon.

STEVE DELBIANCO: All right. So I'm the volunteer on that, and I'll continue to keep you guys posted as to what we come up with. I know that staff got very sensitive. Not just me but many people on the call were asking, "Where did this come from? And did it come from the Board?" "No, it came from Org." Theresa's name is on it, but I have a feeling that staff was trying to reflect the fact that sometimes they have no idea what to do when a policy or a charter for a PDP could literally change underlying policy.

I'd love to be able to share with them the experience of the BC. If the BC adopts a new position that changes a prior position, we try to be transparent about that. We make sure members have a chance to review. But just because something is a prior position doesn't mean it's our position forever. It is precisely the process of policy development and position development and position development that lets us evolve where we stand.

Zak and Arinola, do you have anything to add on transfer policy?

ZAK MUSCOVITCH: Hi, Steve. I think, within the next month or two, you'll be hearing back from me as the working group coalesces around some preliminary proposals on domain name locking and domain transfers. So at that time, maybe we'll carve out some time for a presentation to the BC to get the BC's input into those issues. But at the present time, it's

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premature to report anything further. So we'll just stay tuned for now and will get back to you on that. Thank you.

STEVE DELBIANCO: Thank you, Zak and Arinola. Barbara, your hand is still up? Anything else?

BARBARA WANNER: Sorry. Legacy. Let me pull it down.

STEVE DELBIANCO: All right. And then turning over to Waudu and Tim. Waudu is our current CSG liaison. Tim is our liaison-elect. Tim and Waudu, most of this is repeated from our last meeting, except for this part here at the bottom on the meeting we had on Tuesday with the Government and IGO Engagement Team. So I think it would be best to focus there. Waudu?

WAUDO SIGANGA: Thank you, Steve. First of all, I apologize. In the last meeting that we held during ICANN72, I was not able to give my report due to unavoidable circumstances, but I will just quickly mention it in this session. So that is the meeting that we held with the ICANN Board. I don't know whether you can scroll down to that one or scroll up. I'm not sure where that is. I can go—

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STEVE DELBIANCO: Here. CSG engagement [with the Board]—

WAUDO SIGANGA: Yes. That was on the 25<sup>th</sup> of October. This is what I should have reported on the last time. So I'll just quickly mention it for completeness and also for the record. That meeting had hinged around two discussion points based on two questions. The first question was asked by the Board of the CSG, and that question was, how do we think that ICANN can work in a more efficient way, in a better way, with governments globally? And then the second question was asked by the CSG to the Board, and it had to do with the pending recommendations that have not yet implemented.

So, first of all, if I just go quickly to the question from the Board to the CSG on how to interact with the governments, I think this dovetails a little bit with what Drew and Marie have been talking about when Drew talked about outreach to the council, the EU. And Marie mentioned the High-Level Group on Internet Governance and also writing to reps of member states. That's another side of the coin because now that's the community interacting with governments. So the other side of the coin is ICANN itself interacting with governments.

So the question was, how can this be done more efficiently? So in the discussion, the BC was particularly interested to know the objectives that lead ICANN when doing those interactions. And the answer we received was that, when engaging with governments outside the GAC framework—here we're talking about outside the GAC framework—those interactions normally are based on ICANN's mandate, which

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revolves around the technical issues of the Internet. So it's not so much talking about policy but the technical issues of the Internet. So that was what was emphasized.

The BC was also interested in having a regular scheduled engagement to discuss matters of government engagement. And we were informed by the Board that, going forward at every ICANN meeting, there will be a 90-minute session to review and discuss ICANN and governmental engagements.

Then the question from the CSG to the Board was regarding some of the recommendations from prior review teams and the community inputs that have not been dealt with by the Board. So if I can just go back to the notes here, there's a backlog that persists regarding Board-unapproved community recommendations, as well as those that have been approved but are not implemented and do not seem to have a clear implementation path.

We're also interested, furthermore, and want to understand from the Board why there has been cherry-picking in the implementation of recommendations from various reviews. In answer, the Board said that implementing all recommendations in the context of other ICANN work is not practical due to the volume, lack of enough staff, as well as community available for consultations.

Then the Board ended up giving us some statistics. These statistics are actually found in the recording, which Steve has kindly put a link to in the calendar that he sent out. So if you click on that link, you'll be able to get the recording and, there, you can see some of the statistics. I

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don't want to go through them in this report, but those statistics relate to the status of some of the recommendations from the reviews that are in question.

STEVE DELBIANCO: Okay, Waudu. Why don't we jump to the Tuesday call this week so that we leave some time [inaudible].

WAUDO SIGANGA: Thank you, Steve. The Tuesday meeting. We had a meeting with the ICANN group that's in charge of dealing with the governments and the IGO—the engagement group. And the main discussions were about what is happening in the UN and in the ITU with regards to upcoming meetings. So I've listed there some of the upcoming meetings that are expected in the next twelve months or so.

The key thing about these meetings is that they are going to lead to something known as the ITU plenipotentiary. This is a bit meeting of the ITU—the biggest meeting, actually—where major resolutions are undertaken as well as the election of a new secretary general.

Now, why this is important for us is that there'll be two panelists for the position of secretary general. One will be from the United States and one will be from Russia. Now, the implications have been that the Russian candidate, if elected, may come up with a position of trying to get Internet governance issues to be taken back into the ITU rather than handled by a multi-stakeholder organization such as ICANN. So in the discussions, I think we agreed that, if possible, stakeholders should try



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to influence some of their governmental representatives inside the ITU so that, when these discussions and election are going on, they can be done in a manner that's well-informed. So that is to do with that meeting of ITU.

Then the next meeting of the CSG will be on the 25<sup>th</sup> of November. This will be the regular scheduled meeting with a select board. that is the Board members that are selected by the GNSO or have an affiliation with the GNSO. So that will be on the 25<sup>th</sup> of November, 19:00. And you will all be welcome. The agenda will be advised in due course. Thank you, Steve.

STEVE DELBIANCO:

Thank you, Waudo. Always an excellent report from you.

We're going to turn back over to Lawrence to cover administration. And, Lawrence, let me know if there's anything you'd like me to display on the screen.

LAWRENCE OLAWALE-ROBERTS:

Thank you, Steve. Sorry, I didn't send ... Maybe if I could have sharing rights, that could help.

BRENDA BREWER:

You do have sharing rights, Lawrence.

LAWRENCE OLAWALE-ROBERTS:

Okay, thank you.

BRENDA BREWER:                   You're welcome.

LAWRENCE OLAWALE-ROBERTS: All right. So I will start with a number of ICANN community announcements. Looking at the timeframe that we have, I will just skip through a few of them. All the ICANN community announcements ... For members who are interested in any of this and further details on any of this, please visit the ICANN.org website.

So there is a new report on the domain registrations related to COVID-19. A number of us will have seen the report. And I'm sure that we'll have found it quite interesting. This report will also be shared with members. And the links to all these different reports are in this document.

Most of us know by now that ICANN73 will be virtual, and possibly 74 a hybrid meeting. We are hoping that very soon we will get to have an opportunity to meet face-to-face when ICANN74 happens.

In the weeks ahead—just two weeks and a few days—the Internet Governance Forum will be held in Poland. And there are some BC members who will be moderating and participating on panels. We want to encourage every panelist who is engaging at the IGF to kindly click on a link here that is our metrics. This is a Google Document that you could update with details of your event so that BC members that are interested and those of us running remote hubs can make it a point of duty to participate and mobilize for those sessions.

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So please, members who are engaged at the IGF, kindly update the metrics on the BC Google Drive with the details of your session. Or you can send mail to Brenda. And we will then do that update on our own.

There is a survey being circulated by ICANN Engagement for Africa. The survey attempts to track activities of ICANN within Africa from 2016 to date. Members are enjoined—members from the region particularly—to please participate so that we can provide as much feedback as possible to ICANN.

The ICANN74 fellowship application is now open. The next ICANN meeting is 73. The application rounds for that have been concluded. And presently, it's ICANN74. Because this is a policy meeting, it is open to just returning fellows. So it means the opportunity will just be for people who have been fellows before. Please visit [ICANN.org/fellowshipprogram](https://icann.org/fellowshipprogram) for further details on how to engage.

So moving on, our outreach plan is hosted on the BC's websites. Once you get to our websites, you click on the link for outreach. And you can review the outreach plan and see what part of that you would want to engage. We really want to encourage members to join us in our outreach efforts.

Talking about joining us in our outreach efforts, I want to specifically thank the Chair of the Credentials Committee, Zak, for a wonderful job done in terms of referring companies for BC membership. Currently, we have one new member who has again joined the BC between the last meeting we had and now.

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At our last meeting, we welcomed Web X Media to the BC. Today, I have checked through the participation list and I haven't seen the name "Howard," but we also have a new BC member in Howard Neu of The Howard Neu Law Office. Whenever they join the BC's meeting, we would—and just in case I missed it, please, if Howard Neu is in the meeting, please kindly indicate so that we could give some time to get to know you.

HOWARD NEU: Thank you, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Oh, great. Nice having you here. Maybe just take one minute from my time to just give us a brief about you and your expectations of the BC.

HOWARD NEU: I'm looking forward to working with Steve and you and all members of the committee. Zak Muscovitch was responsible for me coming in. I appreciate that and I'm looking forward to being an active part of the committee.

LAWRENCE OLAWALE-ROBERTS: Thank you, Howard. We look forward to your participation, too.

So we have had, between the last meeting and today, seven new applications, and they are in different stages of processing. Thanks a lot

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to the credentials team for all the e-mails that have been going back and forth. We really appreciate the time you have given to this.

Quickly, we are seeking members' inputs for the production of customized BC brochures or fact sheets. So we would like members to please put together articles and write-ups—most especially testimonials—about your participation and stakeholder joining with the BC since you became a member. And we will put this information together into fact sheets and brochures. We have some forms that have been provisioned by ICANN in the additional budget request for production for evergreen materials. We couldn't use the one from the year before or the one from last year because of the pandemic, so we are hoping that we don't lose the opportunity of utilizing that support in the production of materials that we can yes year on year. But we will definitely need to have your stories because it's easy for people, our public, to connect better with your stories where we have them. Please, we don't have a timeframe, but we hope that, once you have some time, you can just pen something down and send it to myself or to Brenda. Thank you very much.

I'm also soliciting ideas for the next edition of the Meet the BC, which a lot of us are conversant with. We've run the same model year on year for some time now, and I'm thinking of some new ways—fun, creative ways—that we can put out information together, our profiles together, and put it out there. So please read my idea about the Meet the BC catalogue and please share a few ideas that you may have.

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We're still waiting for some members to fulfill their dues for FY22. Please reach out to me. We are not sure, but we're also going to reaching out to those that have due outstanding.

Thank you for all who participated in the process that is ongoing with regard to committee elections. As I announced on the mailing list, we have filled nominations for Credentials and Finance for the coming year, and we have open positions now for the Communications Committee and the Ombuding Committee. Please, we have until the 29<sup>th</sup> of November to volunteer. We want to encourage everyone, especially those just joining, to also use this opportunity to jump in to do some work for the BC.

Our next meeting is on the 2<sup>nd</sup> of December. Please pardon my error here. I'll correct that. And we look forward to having more discussions there.

I'm here if you have any questions. Otherwise, I'll yield the floor back to Steve. Thank you.

STEVE DELBIANCO:

Thank you, Lawrence. Any questions?

All right. Members, with just two minutes left, we don't have room for too much All Other Business, but I do know that Mark Datysgeld would like us to dive into the topic of trusted notifier programs, which came up at ICANN72. So let's be sure to have that on the agenda for our next meeting.

Is there any other All Other Business that anybody would like to raise?

CHRIS WILSON: Steve?

STEVE DELBIANCO: Please go ahead.

CHRIS WILSON: Hi. Sorry. I just wanted to quickly—I'll send it to the BC list—flag that there is actually a draft report coming out of the OECD regarding DNS security—not flagging it for concern necessarily but flagging for folk's edification and interest. And it's going to be considered at the OECD next week by its pertinent working parties on security and infrastructure, etc. And I think it might be of interest to BC members to just to take a look at it. I don't think there's anything, at least from my point of view, problematic about it, but it does differentiate DNS issues regarding security and abuse and relying on some definitions from the Internet and Jurisdiction Policy Network and so forth, differentiating what those terms mean. So I'm happy to send to the BC list for folks to take a look at if they're interested.

STEVE DELBIANCO: I would greatly appreciate it if you send the report, the link, any other things that you find relevant to the BC, either BC/private or BC/GNSO. I appreciate that.

Yusuph, you're asking about the DNS Abuse Reporting Group. That is all covered at the very bottom of the policy calendar. We just haven't done

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anything in the last two weeks. So if you scroll down to the bottom of the policy calendar, I have a whole annex for the DNS abuse group. It's alive and well. And you're on the list.

All right, everyone. If there's nothing else, I'll wrap this up on schedule. Thanks, and we'll talk to you again in two weeks.

You can end the recording now.

**[END OF TRANSCRIPTION]**