

**ICANN**

**Moderator: Gisella Gruber-White  
December 18, 2014  
10:00 am CT**

Coordinator: ...started ma'am.

(Brenda): Good morning, good afternoon, good evening everyone and welcome to the BC Members conference call taking place on Thursday, December 18, 2014 at 16:00 UTC.

And on the call today we have Angie Graves, Brian Huseman, Claudia Selli, Elisa Cooper, Jimson Olufuye, Michelle King, Ron Andruff, Stephane van Gelder, Steve DelBianco, Tim Chen.

We have apologies from Gabby Szlak, Caroline Greer, Michael Maoz, Janet O'Callaghan and Linda Kinney, Bob Heimbecker, Jacquelyn Ruff, Tim Smith, Laura Covington.

Attending as Staff - Brenda Brewer. And as a reminder if you do want to speak please state your name for transcription purposes and I'll turn it over to you Elisa. Thank you.

Elisa Cooper: Thanks (Brenda). So I have a few items to cover today and I'm not sure if Marilyn will be joining us but I can cover her part as well. And then we'll spend as we've been doing a fair amount of time covering policy. Susan is supposed to join. She said that she would possibly be a little late.

Marilyn Cade: Elisa?

Elisa Cooper: So I'll start - yes.

Marilyn Cade: I'm on the call. It's Marilyn.

Elisa Cooper: Okay Marilyn great. So starting off I want to tell you a little bit about Fadi's call. Fadi as you know has these monthly calls with all the SO/AC leaders.

And so he had that call this morning and he primarily focused on the work that ICANN is engaged in right now, and that is primarily around facilitating the IANA transition.

He's been in Washington, DC and he said that he believes that ICANN should be primarily focused on this right now. He also said relative to the Enhancing Accountability Working Group that he hoped that common sense prevails in determining the two tracks.

And I think what he meant by that was he's hopeful that things that must occur are just put into the first track, and things that can be delayed or happen later can be pushed back into the second track.

So I believe that's what his intention was. He also talked about the fact that the bill passed by the U.S. government, which essentially prohibits any

funding to support the transition - he did make mention of that but he said that that does not really change anything for ICANN.

So this call will be available. It will be transcribed and once I receive it I'll send it to all of you, and there is a recording of it as well. The remainder of the call was also spent talking about the three groups of SO/AC leaders that are working on topics around prioritizing initiatives at ICANN, knowledge management and outreach.

Steve DelBianco: Yes.

Elisa Cooper: And these are sort of three areas that we've all been working on and so, you know, that was sort of the gist of the call. Any questions about the call or anything that was discussed on the call? Like I said the call will be made available and there'll be a transcript.

Steve DelBianco: Elisa it's Steve. Did he mention anything about preemptively seeking a six-month extension on the September 2015 date?

Elisa Cooper: I know that I just read that but I don't know if he mentioned it on the call.

David Fares: This is David Fares. Sorry. I've joined the call. If I could just raise this I think in some conversations that we've been having with Fadi, there was a proposal that perhaps we give - to release the pressure on everybody, given the amount of work that has to be done to ensure a smooth transition, that we - that ICANN approach NTIA to suggest that they agree to a six month transition and they always talk together.

And, I mean, when you think about the amount of paper that we had to review, the 181 pages, the - (Davey)'s proposal within three weeks and submit

comments and the work that ICANN - the Accountability CPWG has to do, it just would give everyone a lot more time.

I think we need it and Fadi's team's amenable to this and it would - but it needs to come from the community. And I would hope that the BC would be willing to propose such - that they oppose this - propose this to the - to other - the other GNSO constituencies.

Elisa Cooper: David he did mention that he met with a group of business leaders in DC and he did mention that occurred. And relative to that he said that he was assuring that the business - was assuring business members that whatever would happen in terms of the transition that there would be continuity and that there would be no negative impact in terms of IANA function. Oh I see Phil Corwin. You have your hand raised?

Phil Corwin: Yes thank you Elisa. A quick comment. You know, on the two track my concern originally was that the easy things would be done pre-transition and leaving the difficult concerns post.

But what I've been hearing from the people engaged in the accountability is that there's a pretty strong commitment to tackling the key issues up front, and not permitting the transition to occur until they're dealt with and either implemented or well on their way.

So on the - I think we're all still waiting on the congressional action, an official NTIA or OMB statement on what they view it as meaning. But the way I read it the transition can't happen until September 30 and I can tell - I've been trying to keep up with what the stewardship CWG is doing.

I mean, the pace of phone calls - I just think it's - even there which is less complicated in the accountability, it's in danger of going off the tracks just out of sheer exhaustion.

So I think as a practical matter a recognition that this is going to happen but it's going to take longer than September 30, 2015 would be welcome.

Elisa Cooper: Thank you Phil. Other comments or thoughts or questions around this particular topic? And I think we'll end up spending some additional time on this topic later in the call as well.

A couple of other announcements before we move on. I think as you all know we are currently in a nomination period for the executive committee of the Business Constituency.

I would also like to let you know that we will be hosting an election to replace Gabby on the Council, and so that election timeline and election procedures will be sent out by (Brenda) today after this call.

In terms of like the timing, ultimately the winner of that election will be announced by January 23 and the expectation is that this Councilor who will be replacing Gabby for the remainder of the 2015 term will be attending as Councilor at the Singapore meeting.

So do be on the lookout and I would encourage anyone with interest who is not from North America to consider taking this on. And I'm sure that he or Gabby or Susan Kawaguchi or any of our previous Councilors would be happy to provide their insights in terms of what's required and how that works. Any questions about that? So...

Marilyn Cade: It's Marilyn. Sorry. It's Marilyn. I have a question.

Elisa Cooper: Yes Marilyn.

Marilyn Cade: Thanks. According to the charter - so this is filling out a term and according to the charter - so we got like the - a whole year left really of the meeting. But according to the charter we do - if there is not a candidate from another region, we do have the ability to make an exception.

Elisa Cooper: Yes that is correct and that's all in the election procedures, so thank you for mentioning that Marilyn.

Marilyn Cade: Yes thanks.

Elisa Cooper: I also want to let you know that the group - the outside consulting firm that's been retained by ICANN for the GNSO review - this consulting group, the Westlake Group - they've reached out one final time asking questions really for me as the Chair, but I'd like to respond to their questions about how the GNSO is operating and our perspective.

And I - they're asking one final time for our input and I would like to respond to that. But I guess I would like to ask if there are others who would like to be engaged in helping to respond to that.

And I know that both Laura Covington and J. Scott are part of that GNSO Working Group, so they may have interest in participating in that. But if there are any others who'd like to help me to craft a message back, I believe that we have to respond to them.

They're asking for this final bit of information by the 24th so it's very short timeline. But if there's anybody else that'd like to assist with that I think that's a worthwhile endeavor.

Anybody that would be willing to help with that? Ron I see you have your hand raised. Would you be able or willing to help out with that?

Ronald Andruff: No. Thanks very much Elisa for bringing that on the table. And in fact we were working, Stephane and I, on this group for the last period and we both just stepped back recently.

So I just wanted to comment that the research that they're getting is really - looks like it might be improved from what we're seeing now. But more importantly this work that you're going to do now will really cement I think the key issues.

So I don't want to participate in it because I think I'm too close to it, but I think that J. Scott and Laura and yourself, others, that this is what we need now, that last look on the key issues because that will cement the things that have been kind of built up along the way by the various interviews and so forth. So thank you for that.

Elisa Cooper: Is there anyone that would be willing to work with me on this? This is basically our perspective on how the GNSO is operating, and essentially how we feel things are going in terms of like getting real work done and having our perspectives heard and having our voice within the community which I, you know, I'm not sure if my perspectives are necessarily in line with everyone's so that's why I would like to have others also involved. Okay. That's it. I will turn it over to Marilyn for an update on the CSG.

Marilyn Cade: Great. Okay. Thanks Elisa. I'm going to - I've done some written updates so I'm going to kind of go this on a very fast pace. As most of you know the CSG planning the Business Constituency is coordinating for the CSG activities at the upcoming Singapore meeting, and Elisa and I have a call with the other CSG officers this afternoon to talk through sort of alignment on that front.

Elisa has sent out some additional data gathering questions. The Board meeting will move it looks like to Wednesday mornings, which does present a little bit of a challenge to the rest of the community because that eats into the time we have for collaborative work.

That was done at the request of the Board, not the request of the GAC but the GAC is cooperating in that. We've also talked about the possibility of a meeting for - discussed the CSG with the GAC.

That is still work in progress but there is some interest in that on the part of the GAC. We'll talk through that more this afternoon. We will have our breakfast sessions and we've got to reach an agreement on who the guests are.

There's strong interest in the GAC as the guest but the European GAC members are not in agreement to give up their coordination session on Tuesday morning, and since the Chair is European that's still work in progress as well.

So two possible opportunities to meet with the GAC and then we have to work it out with the CSG if acceptable to have only part of the GAC for the breakfast or if we need to devise a different solution.

We have the topics but we will then have for - our discussion with Bruce and with (Martha Sumer) are also still being finalized and your input on that has been solicited.

On the - there will be a Internet governance session during the meeting that this time will be planned by the CCWG on Internet governance - the Cross-Community Working Group on Internet governance.

That is meeting right now. I will circulate again the topics that are being considered for that session. Right now the topics are a discussion about the (Net Moondiyal) initiative and an update on which was bused in and its relevance to ICANN, why it matters, what's going on, what the implications are.

And those are the two topics that are being discussed for the main or working sessions. We have an intercessional discussion of eight representatives from each member - sorry, each of the groups of the Non-Contracted Party House that's taking place the - January the 12th and 13th.

And I think Fadi is confirmed to spend time with us. Originally he was going to give a speech at the U.S. Chamber on Monday, but it looks like that will not happen.

He'll give a speech at the Press Club instead later in the day, and so he will be with us for a 75 minute session, (Ed Flower) for lunch and on the second day Crocker, the Chairman of the Board, has been invited to come.

(Greg Calsikwith) has been invited to come for that session. Marcus Kumar, the Board member elected by the NCPH, will be there for the entire two days

and will fix that support between the two Stakeholder Groups whenever we meet in our breakout sessions.

This is largely about cooperating in areas where we have a shared responsibility including elections, including input. There is a section on feedback on the budget support that is provided to the House participants.

I'm taking the lead on that and will be asking help from Jimson and from others. It is to try to make sure that ICANN continues to provide funding for it as they do now to the work that we are doing. Let me pause and see if there are any questions Elisa.

Elisa Cooper: Hey thank you Marilyn. Let me move on to policy. Steve?

Steve DelBianco: Thanks Elisa. Folks, I sent around a policy calendar yesterday afternoon. I think it's got (unintelligible). First of all I wanted to acknowledge and thank the good work of Ron Andruff and stimulating that letter that Elisa sent over last week.

And we sent a letter to the ICANN Board in support of the ALACs call to freeze the delegation of new gTLDs in those regulated industries. And again we were highly specific using prior BC approved language about TLDs where the domain itself would imply a certain level of trust and assurance that Registrants in that domain were registered, licensed and allowed to do business in their area.

So there were 28 of them in the list we circulated and since then the NGPC, the new gTLD program committee of the Board - they met and had this first on their agenda for the 11th of December.

Neither Ron nor I can find anything on the ICANN Web site indicating that they reported out or did any resolutions on the 11th of December. Anyone else heard anything about what happened at the Board level?

All right. Let me suggest too that there were two other applicants who probably saw our letter, and therefore wrote to the BC leadership right away asking the - to make us aware and perhaps even asking assistance with their particular situations and I wanted to bring that up and put it in front of you as a question.

One was the Dot Pharmacy applicant. They sent a letter that Elisa circulated and FairWinds I believe is assisting Dot Pharmacy. Another is an applicant for Dot INC for incorporated, LLC, limited liability corporation and then LLP.

Those are three corporate monikers all being applied for by a Dot Registry, and I circulated that to the BC on the 11th of December as well. We don't have to respond to those letters but if we can give a cohesive response that points to positions we've already adopted, I think that makes sense for us to consider that.

So I'll take a queue to discuss what if anything the BC would do in response to the pharmacy - Dot Pharmacy and Dot Registry.

Marilyn Cade: Steve it's Marilyn. I'd like to be in the queue.

Steve DelBianco: Marilyn go ahead.

Marilyn Cade: I would propose that we have a standard response of just forwarding our letter but not engaging with applicants. We've had a little bit of a discussion on this and the Xcom and it's delicate I think for the Business Constituency to be

perhaps even viewed as negotiating on behalf of one applicant or another, particularly if some of these strings are contested.

And there has also been some objections. You know, what we're trying to do is to get the Board to treat - to have a standard treatment that is consistent. And I think it could get very divisive within the Business Constituency if we're taking different views on different applications.

We'd also have to just spend a lot of time doing due diligence on - to verify, you know, sort of where various applicants are.

Steve DelBianco: Thanks Marilyn. Anyone else in the queue on that? Are there any objections to the approach of simply replying with our letter, thanking them for contacting us and replying with the letter?

And especially anyone on the phone from FairWinds that wants to comment on the Dot Pharmacy letter? All right, without objection then we'll pursue that.

All right, I did want to suggest that remember the BC is not endorsing the ALAC. It's having some capability of stopping delegations. That's not what the ALAC or the BC have sought.

Instead all we've really said that we helped ICANN to design these public interest commitments or PIC specs, and it was really at the BC's insistence a little over a year ago because we knew that Registrants applicants were having to negotiate with governments to get objections removed.

And none of the conditions and agreements that they made with those governments were going to be baked into the contract where ICANN could do enforcement.

This was a recipe for disaster and the BC raised it and very quickly the community and the Board agreed, and that's why they invented the PIC specs.

So the BC is pointing to that and saying, "Applicants who have to overcome objections need to work those objections out with the GAC and any governments they concern, and any promises made have to be enforceable by ICANN."

And the way to do that is to insert them in the PIC spec. That's really where we're going. We're not trying to impose unilateral contract changes. We're against that.

We're simply suggesting that it has to be enforceable. Any further comments on this? I think we're on solid ground everyone. Then we will respond that way.

Second, I wanted to thank again Jimson, Tim Chen and Angie for drafting the BC comments on ICANN's five-year draft operating plan. I circulated that for final comments last weekend, and I submitted the comments over the weekend. Thanks.

Also Andy Abrams did a great job drafting our comments on the proposed new gTLD auction rules for contention sets where strings don't actually conflict with each other, but they conflict with another string in common.

It's complex but it really ties back to the work we've done on singular and plural TLDs, and we submitted that prior to the deadline as well thanks to Andy.

Let me turn to the current ICANN public comments. First, there's an open comment period which doesn't close till January 9 on the Board Working Group report on the NomCom.

Now the BC submitted superb comments I think on that. We mostly objected to the Board Working Group report to make changes to NomCom. I wanted to make everyone aware that the reply period is open and there are quite a few comments to which the BC could reply.

It wouldn't be difficult to reply if we just simply point it back to the comments we submitted in the initial period, but it's an opportunity to rebut those who would have taken things in a different direction.

J. Scott Evans and Ron Andruff volunteered to take a look at that. It's optional for us since we've already commented the initial period. Ron Andruff I know you're on the line. Anything you want to add to this?

Ronald Andruff: I just want to say that indeed I just was over there looking at that page. There are quite a number of comments there. My sense is in talking to other members of the community is that everyone was leaning in the same general direction we were, that this was an - in fact a really nice consensus experience for everyone.

And in fact I believe that we brought the point home. At the end of the day we will review it just bottom line and then we'll come back to you all at - right after the New Year with that. Thank you.

Steve DelBianco: Well Ron January 9 is the end of the reply period, and if you waited until January 3 or 4 we really don't have much time to look at it. So I would encourage you that if you decide we need to rebut someone, please try to get it in before the end of December. I don't think it's constructive for you to put a lot of time in it.

Ronald Andruff: What timing would you...?

((Crosstalk))

Steve DelBianco: January 9.

Ronald Andruff: I think there was a delay on the line.

Steve DelBianco: Yes Ron. January 9.

Ronald Andruff: But what day would - should we get it back for members to look at?

Steve DelBianco: December the 27th would be good.

Ronald Andruff: Perfect. I'll work towards that.

Steve DelBianco: And again it's optional. If you don't feel we need to rebut anyone else's initial comment then leave it go because we have a good comment already in there.

Thank you. Why don't you if you want do an outreach to J. Scott so he knows what we discussed since he volunteered to help you with that? All right, thank you.

Turning next to Steven Coates who just made it - I know you'd - Steven you said your train was late but I'm glad you made it on the call. And thank you Steve for drafting BC comments, the Dot Madrid gTLD and the proposals - two proposals that Dot Madrid has in front of them.

So Steven if you're on the line everyone I attached this. It was the first attachment to last night's policy calendar so you can open that up. It's only two pages and I was hoping that Steven could explain the nature of the BC's comment draft, and then we need to engage in a discussion.

I say this because the comment period ends December the 24th, which is next week. Steven I'll turn it over to you.

Steven Coates: Sure. Just for sake of clarity I also drafted the INTA comment on this that we'll be submitting to ICANN. It's quite a bit longer and more elaborate, and I drafted this one to be a bit more short and sweet given the differences in the personality of the organizations.

So there's two points here. There's the public administrator's program and the parallel sunrise program, and both of these are allowed in the application to some degree in the QLP Addendum.

But the way that Madrid and many of the other geos have gone about it is to allow for more than the caps allow under the QLP Addendum to basically override the sunrise.

So the PAP, the public administrator program, removes the cap of names allowed by ICANN under the QLP Addendum to more than 100. And given the number of organizations that Madrid has, it could be in the six figures and I've confirmed that with the Spanish Council at (El Dabruru).

This would indeed be potentially a huge problem for sunrise applicants. The second is the parallel sunrise program, and the parallel sunrise program grants priority in the sunrise period to owners of local trademarks who are not registered with the TMCH.

So in essence they're - Madrid would like to allow local trademark owners to have priority over TMCH applicants. And what that would mean in essence is that would give them a - an additional sunrise period.

Now there's two ways that Madrid could get what they wanted while still complying with the QLP Addendum, and that could be by just providing the PSP giving priority to the - or giving - only allowing sunrise for TMCH applicants valid in Spain.

So - and I put those alternatives in there to advise us that there are other possibilities that are compliant. So I think this note and these comments are important in that this could set an example and a precedent for future applications to override the sunrise.

Steve DelBianco: Hey Steve, thank you very much. I - well let me - before I turn to you Steve I did want to acknowledge that it's good to suggest alternatives the way you did in the second to last paragraph saying that there's another way to solve their problem.

What I would ask though is the perspective of the BC about Registrants and business users should be added in both P and PSP objections. For instance, you suggest that one of the problems - that it's a conflict with trademark registrations, adding a sentence indicating that these conflicts increase costs and burden for business Registrants.

Moreover they add confusion to customers and prospects seeking to find a domain that they've seen in an advertisement or heard about from a referral. So we always want to try to explain and expand that it's not just the trademark issue.

We always explain that it's a - and moreover an impact on business users and consumers. And I can help you with that language from other comments the BC has filed. All right to you?

Steven Coates: Thank you Steve. Yes great suggestion.

Steve DelBianco: Great. Chris Chaplow, you're in the queue.

Chris Chaplow: Thanks Steve. Yes I just wanted to underline and support Steve document. I threw some general comments onto the list and - but I think Steve's document's, you know, is excellent.

It's got so much detail in it and obviously he really knows his stuff on this and it's great that, you know, we can - the BC can benefit from this. So I just wanted to add those thanks. Bye.

Steve DelBianco: Any other comments? This closes December the 24th so Steven if I could ask you to accommodate this consumer and business Registrant rhetoric in both objection sections if there are any other comments that Chris Chaplow or others have put in, and maybe by close of business tomorrow circulate a Draft 2.

And we have to be able to put up a last call and get that in by December the 24th. I'll take care of filing and sending out the last - need a completely modified draft from you.

Steven Coates: Absolutely.

Steve DelBianco: Chris your hand is still up. Anything more to add?

Chris Chaplow: No, sorry Steve. I was struggling to get it - lower my hand.

Steve DelBianco: Steve Coates, great work on that. Thank you. The next one I had on the list was the Community Working Group on the naming related IANA functions. That's the IANA transition and for that I wanted to turn to (Aparna Shridar) of Google.

(Aparna) I think you just popped on to the list. Are you at a place where it's convenient for you to take us through the draft that I attached?

(Aparna Shridar): Yes. I am just pulling it up. My timing is almost perfect.

Steve DelBianco: Take your time on - yes why don't you take a few minutes...

((Crosstalk))

(Aparna Shridar): Thank you.

Steve DelBianco: ...and I'll skip to the very next item on .jobs and give you a chance to get situated.

(Aparna Shridar): Perfect thanks.

Steve DelBianco: Thanks (Aparna). So the fourth and final item undercurrent ICANN public comment is that the .jobs sponsored TLD which is been around for several years is up for a renewal of their registry agreement.

And that's a term that a lot of you who are new to ICANN have never heard before. But sponsored TLDs are similar to what we have today in terms of a community TLD.

And .jobs has gone through quite a bit of controversy as it amended its charter and decided to accommodate different kind of registrations at the second level that were initially well a lot of us assumed initially they weren't going to put up.

So I have a link to that. Initial comments are December 30. And of course the replied period is after that. This is a renewal of their agreement.

And the BC would be only concerned to the extent that registrants and business users could be affected by changes they want to make.

I'd look for volunteers who are familiar with the personnel industry, job recruiting industry who can help us to understand what the BC members perspectives would be on their application changes.

Anyone who's intimately familiar with that industry or with the .jobs dilemma over the past six years it would be a great time to sign up to be a volunteer. It won't take long to get through their application and understand the changes they want to make.

(Brian) and (Andy) does the Google and Amazon are you also launching new TLDs that do serve the executive recruiting and career management industry?

(Andy): Hi Steve. This is (Andy). No, we don't have any plans for that right now.

Steve DelBianco: Okay. (Brian), anything on the Amazon front?

(Brian): No, not that I know of.

Steve DelBianco: Because if any of you have things like .career, et cetera, you'll end up competing with the jobs. And the way they change their charter might enable them to do things you hadn't anticipated they'd be doing.

Give that a look but if the two of you don't have any concerns and I see none from the rest of the members in the BC it maybe we not - it may be that we not say anything on this one.

(Aparna) I'll turn back to you for the CWG on naming related functions if you're ready now?

(Aparna Shridar): Yes. So I think I circulated a note that raised some concerns about the CWG proposal.

And as I have kind of thought about it more I think my - like in order to up level my principal concern is that the current proposals a lot of structure and potential bureaucracy and places for sort of mischief to happen for lack of a better word especially because so many of the structures are undefined.

But I don't think it actually gets to the heart of kind of what we care about which is how do we make sure ICANN's accountable for performing the IANA functions effectively?

And so it's sort of it - it's almost like there's all this baffling or scaffolding like created to sort of improve accountability.

But it's not clear that that's what the structure is actually going to do. And so I think part of the problem is that this group is so far ahead of the accountability working group that it's almost like they're proposing their ideas in a vacuum where it's really these things should be considered more as one proposal, this proposal with the accountability proposal.

And so what I would suggest is that we really focus kind of on some of the concerns are out in the structure but also making a point that accountability working group and this is consistent with what we've said all along really needs to do their work in parallel with this CWG group.

And that, you know, what it's an agreement on the Workstream 1 proposal within the Accountability Working Group needs to take place before this proposal before the transition can take place.

Would it be helpful for me to go through the individual points?

Steve DelBianco: I think so. And I've asked (Brenda) to pull it up on the Adobe display if we can.

(Aparna Shridar): Great. I'm noticing I have a typo in there so that's always embarrassing.

Anyway I think that there's a concern - so there's four structures, the compact code, the customer service community a Multi-stakeholder Review Team and the Independent Appeals Panel.

So the first general thought I had was this is a lot of structure. And I think there are some opportunities for capture and opportunities from - for forum shopping.

And I also think some of this - some of the issues it's better to have a holistic discussion within the accountability group.

So for example on the - they have proposed this independent appeals panel that I think that having one independent appeals panel for IANA functions and one independent appeals panel for broader ICANN issues creates the possibility of forum shopping.

And I certainly think we want to have broader review of policy decisions that the board ends up making. So I wouldn't want to give up doing that in the Accountability Working Group.

On the other hand I think having two independent appeals panels processes is a little confusing for aggrieved parties and also kind of creates this risk of, you know, signing the court that you for lack of a better word that you like best.

And then I think we should support a number of the incremental changes proposed like the customer service committee, publication and - of delegation and re-delegation information. That kind of transparency is really important.

And then I think in terms of what the other things we should support we should obviously say that the accountability stream needs to kind of work in

parallel and the key improvements needs to be agreeable before the transition can take place.

And one idea we had within Google which we've been discussing with people I'd be interested whether folks agree that this would be helpful would be to require that ICANN enter into a contract with an emergency backup provider for IANA.

So the idea here would be, you know, if God forbid something terrible happened within ICANN and, you know, the board is totally becomes corrupt or they hire staff that are incapable of performing the function there should be a backup contract in place to now allow sort of seamless and quick transfer of the function in the event of disarray.

And obviously this isn't 100% flushed out because there's an important question about what the - your triggering function would be for that type of transition. But I thought it was worth raising with folks on the call.

Steve DelBianco: Thanks (Aparna). And (Aparna) I'll cover later in the call what's happening on the Accountability Cross Community Working Group where I'm the rappatore on the accountability enhancements.

And in fact we discussed on our last call this overlap or potential conflict between mechanisms we're designing for overall ICANN accountability and the naming functions accountability which is supposed to be much narrower right, the accountability to say ICANN as contractor you're not running IANA right.

And this notion of an entity and independent contract codes that they would then pull the contract or exercise discipline over ICANN.

And your main point is that the creation of a separate entity contract co creates more problems than it solves.

And I think others have agreed with you on this. Others from the ALAC have suggested that we not try to create a separate entity there but instead look to the CCWG to come up with accountability mechanisms. Is that about right?

(Aparna Shridar): Yes. I mean I realize that this part of it is the timing is an issue right because this group's so far ahead. And I realize this pushes - puts a lot of pressure on the Accountability Working Group to get it right.

But I think that we want one holistic set of accountability mechanisms both for IANA and for all of the other things that ICANN does.

And one worry I have is if we create these accountability mechanisms that are unique to the IANA function and they seem to kind of work for that then I worry that the board will be more willing to say, oh we don't need these other things. But the thing is we really need both.

Steve DelBianco: And (Aparna) this is Steve again. I - we're not over in the Transitional Accountability Group, we're not reticent to take that on.

As you probably know the very first item that the BC recommended and Google and others have endorsed is a permanent Cross Community Working Group that exercises authority over the board.

And that could easily be endowed explicitly in the bylaws with the right to move the IANA contract if ICANN were not performing it.

So we - we're perfectly willing to take that on and we got up to speed rather quickly. We don't want them to be seen as having trying to take that away from the CWG on naming.

So we're watching really closely as you and the ALAC and others are considering that. But rest assured that the mechanisms we've proposed and are actively discussing over there could handle it.

And some of that's described in the hyperlinks at the very bottom of the policy calendar where I described the CCWG.

So (Aparna) there's a queue right now and I'll take Phil Corwin. Go ahead.

Phil Corwin: Yes thank you Steve and thank you (Aparna). And I apologize for not posting and writing on this yet. I've just been on so many CWG and other working group calls this week. It's been difficult.

I don't have a firm view one way or the other. I do want to be a bit of a devil with advocate just to put some things out for BC consideration on this and recognizing that within the CWG on stewardship there is a vocal minority led by the ALAC against the threshold proposal saying it's too complicated, et cetera, which is true.

And, you know, one of the main arguments against it is that well that'll throw off the timeline that we've been required if we have to go back and redo this thing. But maybe with the congressional action that's another reason for the extension.

I do - I am a little concerned that if the stewardship group only does very tiny incremental things like a customer service committee and publishing

delegation and re-delegation information that it puts all the eggs of the basket of the accountability group.

And while I have confidence in that it puts, early puts everything off.

There is one advantage of doing something fairly detailed within the Stewardship Group which is that ICANN's board have said they will accept whatever the Stewardship Group recommends.

So if it recommends a fairly strong structure that's guaranteed to be accepted while the board is going to impose the best interest to the Internet standard for accepting the Accountability Group recommendations. And we don't know what that means yet.

The other advantage to having a fairly strong structure is that it's focus is that on the IANA functions and lets the accountability group focus separately on the policy functions which are supposed to be structurally separate from the IANA function.

So I'm not making an argument for either approach. I just wanted to put that as considerations out for BC consideration.

And I do agree the whole process is disjointed having this group months ahead of the accountability group when the final work product is inter-dependent and inter-related. I'll stop there.

(Aparna Shridar): Can I just jump back in for a second? I guess what I'm thinking is so if we think that the Accountability Working Group is going to create a separate committee then what do we have?

We have the NonCom that appoints candidates to the board. And that's supposed to be a bottom-up process to begin with.

So in theory the board itself is accountable to the community because the community members lack NonCom members and the NonCom members lack the board.

Then we have this Multi-Stakeholder Review Team for IANA which is another structure that's again supposed to be sort of bottom-up.

Then we have the new group that you're proposing in the Accountability Working Group Steve which is a different sort of cross-community sort of check.

Then we have the individual SOs and ACs and their sort of existing structures which are supposed to contribute to the policy development process.

And we have a Customer Standing Committee that's supposed to work on IANA related issues or just the technical issues related to making sure the IANA functions are working properly.

And, I mean to me like I'm exhausted just describing it much less figuring out who owns what which is a really important question because I think if you have sort of jurisdictional tussle between these groups that's going to be even more - that's going to create more instability and difficulty than, you know, than...

((Crosstalk))

(Aparna Shridar): ...we have today.

Steve DelBianco: The BC, in taking this position that you've drafted, the BC would be at odds with certain folks who have been pushing for structural separation on all three of the IANA functions.

We know that the IETF handles protocols. We know that the numbering resource organizations are the separate contract co for numbers.

So Milton Mueller and a few others had really pushed hard for structural separation.

The BC based on my research has never said it favored structural separation for the naming component. We just wanted to make there was a disciplined and distance sufficient to protect our interests if ICANN were not performing it.

So I don't see any conflict between things we've said before and what (Aparna) is proposing. But again this is due December the 22nd to get this comment in. And there is no reply period.

So that would mean that we do need BC members to take a hard look at what (Aparna)'s draft here. And I had turned it into a Word doc so it's easy for you to mark it up with track changes.

So since that closes the 22nd and we need answers by the 21st then (Aparna) and I will airbrush the language a bit so we can get this comment in from the BC.

But if there's not significant pushback and new ideas we'll end up suggesting that it may well be that the CCWG accountability can handle this.

David Ferris you're in the queue. Go ahead.

David Ferris: Yes quickly I want to just flag that we're still picking through what is the best structure, whether the need is separate company committee whatever they're calling it are not.

And so I just wanted to flag that and we will try to fax it as soon as possible hopefully by (unintelligible) later.

Steve DelBianco: And that we is for 20th Century Fox right?

David Ferris: (Correct).

Steve DelBianco: Got it.

David Ferris: Yes.

Steve DelBianco: (Aparna) thank you and David thank you. And let's everybody get back to each other by December the 21st.

The only other item I had was to update you on the work of that Cross Community Working Group. But I'll defer that till the end of the call to give (Gabby) and/or (Susan) a chance to talk about the council meeting that occurred on December 11 and anything planning for the next one.

(Susan): Hi Steve. This is (Susan). And sorry I was late to the call. There was bad traffic this morning.

It was a rather quiet call. We did not have any votes. We did discuss the letter from ICANN asking for input on name collision. And we're going to work with the Registry Group to - and the ISP to draft a response.

And the Registry Group, Donna Austin was taking the first whack at the draft so I'm waiting for that.

One of the things that we did call out was the call for SSAC input. We do have for the first time I think a vote outside of the regular call schedule. And so we have a vote on the document drafted by John Berard.

There's been some opposition by Avri. And she didn't really indicate what she's not comfortable with. We're waiting from some language from her.

Tony Holmes is taking the pen to revise the document. And then we'll vote on that in January. And that was about it.

Steve DelBianco: Thanks (Susan) - appreciate that. And we don't have agenda or motions or anything for your January 15 meeting yet. When that comes around I'll circulate everything to the BC list.

(Susan): Okay, thank you.

Steve DelBianco: Elisa and I think I could take 5 minutes if you don't mind. I'll try to recap the Cross Community Working Group on Accountability.

Elisa Cooper: Sounds great.

Steve DelBianco: Great.

Elisa Cooper: Great.

Steve DelBianco: Folks I've been keeping you all probably over-informed on the work of this. The chair, Thomas Rickert had asked us to be the rappatore on the most important part of this which is the proposal for new accountability mechanisms.

And we didn't shy away from that. After all the BC got in front of everyone at proposing some accountability mechanisms back in May so I was glad to take that on, spent the weekend looking at over 250 comments that are filed over the summer and boil them down by discarding those that were IANA specific, discarding those that were merely criticisms and comments and then coming up with real mechanisms. There were about 100 of them.

I consolidated them in a list of only 45. That's all it took. And if (Brenda) if you bring up that PDF I just linked to you, folks it's the PDF that's linked under two-page list in my policy calendar we were able to categorize these 45 accountability ideas into three chunks.

There are certain mechanisms that gives this community authority over the corporation ICANN. Other mechanisms that would prescribe or restricted actions of ICANN in the way of bylaw changes.

And the third category are mechanisms that would increase the transparency of ICANN and of the ACSOs.

One of the key distinctions in this new transition accountability group is that we have to have two workstreams, W- Workstream 1 and Workstream 2.

And (Brenda) thank you for bringing that up on the screen. This is that two-page list everyone that we discussed on the call Tuesday.

And even the Iranian GAC rep seemed to embrace the way it's structured and the rational that's here.

So to BC members the question I'll put to you is a proposal I came up with is that Workstream 1 which is apparent on the screen here, anything in Workstream 1 are items, accountability enhancements that we have to get in place before the IANA transition occurs because it requires the leverage of the IANA transition to get them.

These are high level powerful community accountability mechanisms that we fear we could not get in Workstream 2 once the leverage of the IANA contract is gone.

Therefore once you have Workstream 1 we ought to have in it the authority to accomplish a lot of the other accountability mechanisms which can be dumped into Workstream 2.

In other words if we acquire in Workstream 1 the power to do things and effect the bylaws then we don't have to spend extra time in Workstream 1 making all those micro changes to the bylaws since that could delay the transition.

And that's the way we have teed that up so far. And I'm happy to take input from BC members either on this call. You can call me personally. You can send emails cause I'm your representative on this group and we'll take a queue on that idea.

Go ahead (Aparna).

(Aparna Shridar): I think that your sort of conceptual distinction between Workstream 1 and Workstream 2 make general sense. For some of them I thought that, you know, it was like the agreement to do something would be Workstream 1 but the actual implementation would be Workstream 2.

So I - apologies I can't see the whole doc. But so, for example if you agree that you should require a supermajority of the board to approve actions despite advice of AC of the ACs and that - putting in place in that mechanism would be Workstream 1. But then like actually invoking it would be Workstream 2.

Steve DelBianco: By putting it...

(Aparna Shridar): So...

Steve DelBianco: ...in place that does imply changes to the bylaws. And that gets...

(Aparna Shridar): Right.

((Crosstalk))

Steve DelBianco: ...bottom fall...

(Aparna Shridar): That would be Workstream 2, right.

Steve DelBianco: (Unintelligible) (Aparna) I wanted to mention as well is that the BC's proposal which is of course at the top of the page it ends up giving this new Cross Community membership group the ability to override actions of the board.

So it's possible that the - it's possible that the only thing Workstream 1 has to be affirmation of commitments baked into the bylaws and the creation of this new membership group with enumerated power.

Almost everything else that could be done once those power's required by a permanent Cross Community Working Group.

(Aparna Shridar): Yes so I thought the other thing I was just going to say on this is I had put together a document that basically highlights with respect to each of these proposals at least Google's view as to whether or not they make sense.

So it's like blue highlight was we agree. Green highlight was we agree with some modifications. Red was we don't agree. So there's some stuff - there's some things in here about, you know, expanding the jurisdiction of reports which I just not that I agree or disagree but I don't think that ICANN as powerful as it is can really do such a thing.

And so if it's helpful I'm happy to...

Steve DelBianco: Yes I'd benefit from seeing that because you can see that I have indicated the word Google next to any item under Supported By column where I got from your comments that Google supported any of these measures.

So if I've got any of that wrong correct me on that. And...

(Aparna Shridar): Yes.

((Crosstalk))

Steve DelBianco: ...to glean we have to actually take items out of this list because there's too many things in here that a lot of us don't accept. But my exercise required me to at least list them because folks like Spain or other GAC members had proposed it.

But there are some bad ideas in here that conflict with the basic BC position. And I'll stop there to let David Ferris weigh in and we'll come back to you (Aparna).

(Aparna Shridar): Sure.

David Ferris: (Unintelligible). I'm 100% it is (unintelligible). (Aparna) wasn't very clear what he was saying we have to have bylaw changes (unintelligible).

Steve DelBianco: David this is...

(Aparna Shridar): We lost David.

Steve DelBianco: David we could not hear. All right, I will send David Ferris an email...

David Ferris: (Unintelligible) now?

Steve DelBianco: Oh thank you. Now we actually do hear you. Go ahead.

David Ferris: Okay great. I was sitting here I wasn't 100% clear of how you - I think it's an interesting proposal that (Aparna)'s offering but I'm not exactly sure what that means in practice.

Would we ensure bylaw changes for what we think must occur prior to the transition in Workstream 1 and then get approval for the other things that need

to be done but then we implement them through Workstream 2? I wasn't - I just wasn't 100% clear on what it meant.

(Aparna Shridar): Oh I just meant so for example let's say you believe that the requirement to hold annual audits of ICANN by a PWC type firm was something you wanted in the Workstream 1.

I'm not saying necessarily that's the case but let's say that was a requirement you thought you believed were - was in Workstream 1.

I think we just want to be precise that the requirement to establish a yearly audit is Workstream 1. But obviously the ongoing conduct of the audit is Workstream 2.

Like there's no way if you're imposing some sort of a - or if requirement to create a more meaningful independent review panel mechanism in Workstream evoking it to actually hold ICANN accountability is effectively Workstream 2.

Steve DelBianco: That's been the understanding of our group (Aparna). The creation of a mechanism is the only thing we are targeting. We're not targeting the exercise of any mechanisms prior to transitions.

David Ferris: Okay very helpful. Thank you. And just for the record we want to make sure that we've got robust accountability approved and agreed to through necessary bylaw changes, et cetera, as part of Workstream 1.

Steve DelBianco: Okay.

David Ferris: But it seems like that's not (unintelligible).

((Crosstalk))

Steve DelBianco: David I hear you loud and clear and the BC's solid on that. But now we are in the next two to three weeks we'll have to decide whether what I've got in the screen in front of you can be elaborated and expanded to provide exactly that robust mechanism you just described.

Because thus far the BC was relatively lightweight. We didn't put all the details in on how one spills the board. And the next step on our group is to cull this down into things that we think are doable in Workstream 1 and then to add the details.

So watch for my emails and please reply with your individuals thoughts. And of course I'll even hold a special call if it's necessarily.

Elisa that's all I have on this. (Aparna) anything you wanted to add?

(Aparna Shridar): So is it helpful if I just circulate our initial cut of (unintelligible) we agree, we disagree to the group?

Steve DelBianco: You know to my mind it would be more productive if you took this little two-pager you see on the screen in front of you -- and it's hyperlinked -- if you indicated any of those rows where Google support was overstated and if any of those items are things that Google absolutely opposes. That would really help me before next Tuesday's call because I want to try to take items out of here.

(Aparna Shridar): Yes okay, happy to do that. I mean yes that's fine.

Steve DelBianco: That's a PDF in the screen. But when you click on the link to the CCWG page there's a Word Doc version which will be easier for you to work with.

If you can't find that just contact me and I'll get it to you right away.

(Aparna Shridar): No I have it. Thanks. That's the doc I use for sort of highlight which things we have time to work on, which things we...

Steve DelBianco: Well fantastic. If it's already in this format of these 45 rows send it around as is.

(Aparna Shridar): Yes.

Steve DelBianco: Thank you. I was...

(Aparna Shridar): (Unintelligible).

Steve DelBianco: ...afraid it was based off the 250 items not...

(Aparna Shridar): No, no...

Steve DelBianco: Yes (Aparna) please circulate that to the BC.

(Aparna Shridar): Okay will do. Thank you.

Steve DelBianco: Elisa back to you.

Elisa Cooper: All right I think we're starting to lose people and we're actually at the end of our time. I apologize (Jimson) that we did not get to you.

But if you have any updates in terms of finance and operations if you can just send those out by email that would be really great.

Thank you to everyone for joining. I hope you all have a very happy and healthy and safe holiday and New Years.

And we will come out with our new calendar. We'll have Brenda send that out and get that posted and I look forward to speaking with you in the New Year. Thank you so much.

Woman: Thank you all for attending today's conference. The call is concluded. You may disconnect. Melissa you may stop the recording. Thank you.

END