

**ICANN**

**Moderator: Gisella Gruber-White  
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10:00 am CT**

Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Benedetta Rossi Thank you very much, (Kelly). Good morning, good afternoon, good evening. This is the BC Members call taking place on the 5th of December, 2013.

On the call today we have Andy Abrams, Bill Smith, Elisa Cooper, Steve DelBianco, Jim Baskin, Stéphane Van Gelder, Stephanie Duchesneau. On the Adobe Connect - just checking if there's anyone who isn't connected on the audio bridge. We have Yvette Miller taking place on the Adobe Connect and John Berard.

We have apologies from Ron Andruff, Laura Covington, Martin Sutton, David Farris and Ayesha Hassan.

I would like to remind all participants to please state your names before speaking for transcription purposes. Thank you very much and over to you, Elisa.

Elisa Cooper: Thanks, Benedetta. So why don't we go ahead and just jump in? I'm hoping today we can spend about 10 or 15 minutes talking about the meeting in Buenos Aires. And so I see that there are a number of members on the call today who were at the meeting so it would be great if you can share some of your thoughts on the meeting. I'd like to give other members, who were not there, a taste of what was going on.

And then we'll move right into policy and Steve will take us through that and then on to John and Gabby - I don't know if Gabby's on the line just yet but to go through a Council review and then over to Marilyn, if she joins, to do a bit of an update on the CSG.

So starting out let's talk a little bit about the ICANN meeting. I'm happy to share my perspectives but I'd like to open it up to others who were there to kind of share their perspective and what they thought about the meeting.

Marilyn Cade: Can I just - can I just note that I have joined? Thank you. This is Marilyn.

Elisa Cooper: Okay great. So are there any on the call who attended the meeting that might like to share kind of their perspectives or what they thought of the meeting? So someone with an initial S has raised their hand; I'm not sure who that is but S?

Stéphane Van Gelder: Yeah, thanks, Elisa. It's Stéphane. Stéphane Van Gelder. I don't know why I've just come up as an S. I'll try and log out and log back in.

Elisa Cooper: No, no worries. I know who you are so no worries.

Stéphane Van Gelder: All right. Hello, everyone. Just wanted to - I see Ron isn't on the call. I don't know if Sarah is. If not perhaps I can just give a quick update on what the NomComm did?

Elisa Cooper: That would be perfect.

Stéphane Van Gelder: So...

((Crosstalk))

Stéphane Van Gelder: I'm sorry, did someone speak?

Marilyn Cade: Can I just - sorry, it's Marilyn. After we go through this I just needed to understand - we're just going to do a review of a range of topics on the review, Elisa, is that right? Is that - if that's the case then I'd like to be in the queue after Stéphane.

Elisa Cooper: Okay great.

Stéphane Van Gelder: Right thanks. So very quickly just to let everyone know that for the Nominating Committee Argentina was the end of the 2013 committee and the handover, as it were, to the 2014 where Ron and Sarah both took their positions as your elected representatives. And as a reminder I was nominated by the board to be chair elect so I do not technically represent the BC although obviously still very much as a BC rep on the NomComm.

So the 2014 committee worked for two full days, Friday and Saturday, at the end of the ICANN meeting. We met with a number of people, Fadi, Steve Crocker, the Board Governance Committee and John Jeffery the ICANN General Counsel.

The idea there was to ascertain what the requirements were for candidates especially for the Board and generally set the tone for the work for the year and make sure the Nominating Committee had the support it needed to work throughout the year.

And perhaps I should also have said that Cheryl Langdon-Orr is this year's chair and Yrjo Lansipuro, who was last year's chair, this year's associate chair, the Nominating Committee having a three-man - or three-person leadership team.

After those meetings the Nominating Committee basically worked on its procedures for the year and reviewed...

Elisa Cooper: Neither do I.

Chris Chaplow: Go ahead, Stéphane.

Elisa Cooper: Stéphane did we lose you? Okay I think we did. So hopefully he'll come back on and he can finish his overview of the NomComm. But let's go on to Marilyn and then...

Stéphane Van Gelder: Elisa, can you hear me or not?

Elisa Cooper: Yes I can; now I can.

Stéphane Van Gelder: I'm sorry. I don't know what happened. I did not have any interruption in the feed so I thought I was still on. When did I fade out?

Elisa Cooper: About 45 seconds ago.

Stéphane Van Gelder: Okay so just very quickly to finish the Nominating Committee for this year will commit to the same openness as was displayed last year. We'll be producing report cards one of which I believe Ron has already sent to the BC the first one that came out of November.

And I forget - there was also a timeline produced which is the important thing of course showing when the call for SOIs is expected and when the deadline for those SOIs. Bearing in mind that we are recruiting this year for two Board seats instead of three; last year was three. One seat on the GNSO and I forget what the other - I believe it's two for ALAC and one for the ccNSO.

So usual message, if you know anyone that might be interested or might be a good fit or if you would like to volunteer anyone the NomComm website is [Nomcomm.icann.org](http://Nomcomm.icann.org). There's a new Website for the NomComm this year that fits with the general look of the ICANN websites - the other ICANN websites so please either contact your reps or myself or go to the website and suggest someone. And happy to answer any questions if there are any. Thank you very much.

Elisa Cooper: Thank you, Stéphane. Any questions for Stéphane? Okay, Marilyn.

Marilyn Cade: I just - thank you. I just wanted to - so we're talking right now about (unintelligible) about the meeting in Buenos Aires and not the substance but my comment is about a concern about process about the Buenos Aires meeting. And it goes back to also what happened at the IGF.

We have a huge number of challenges, issues, priorities to help ICANN do its day job with what I refer to as operational excellence. And I want to just note that while the Internet governance issues, which are very important to me and

very important to many of us, are of significant importance I was taken aback a bit as I was at the IGF by Fadi's assumptions that it's all about his agenda in Internet governance and not about the bottom up input into driving the directions that ICANN is going in.

We hope to contribute to improved alignment in that and we're going to talk about that a bit later. But I just wanted to note it as something that had we not, as the Business Constituency and the CSG working with other constituencies, the Registries, the Registrars, and others, intervened in during the ICANN meeting we wouldn't have ended up with the bottom up activities that are going to go forward that allow the business community to have more direct input.

Elisa Cooper: Thanks, Marilyn. So I'll just share a few of my thoughts before we kind of move on to policy. So going into the meeting if you had asked me, you know, two months ago, you know, what was the focus of the meeting going to be on? I would have defiantly said it would be all about new gTLDs and the rights protection mechanisms.

But in my opinion the overwhelming focus was really on this issue of Internet governance and the Montevideo statement. As most of you probably know back in October there was this Montevideo statement that ICANN, or Fadi, agreed to as the CEO of ICANN.

And in that statement there were things that referred to making the Internet more - the - overseeing the policy to make it more globalized, to make ICANN more globalized, to make the IANA function more globalized and basically to - there were a number of things. And we talked about that at the ICANN meeting in one of our BC meetings.

But because that statement was made - and Fadi had agreed to it - there was a fair amount of concern that the community had not been involved in any way and had not been, you know, made aware or really we had no notice that this agreement or statement was going to be made on behalf of ICANN.

So there was a lot of concern that the community had not been involved. And I think that was overwhelmingly a topic that kind of overtook the meeting. And I think some of the other topics, which one would have expected to have been more prominent, kind of took a back seat.

By the end of the meeting I think people got more comfortable and we ended up having kind of impromptu meeting that was scheduled very last minute at 7 o'clock in the morning for the entire community to talk to Fadi about sort of how, you know, the ICANN community can work.

And so what came out of that was basically this community working group which I had sent out a notice to members that if you wanted to participate that there was an opportunity to do that.

Since that time I was told that basically there's a place for you to sign up to participate on the mailing list. And if you still want to participate and you haven't received that I'll be happy to send that to you.

At any rate so here we are now. There's going to be the community working group to talk about Internet governance issues. My understanding is there'll be a charter developed. You should know that so far in that community working group there are only, you know, two to three members from the other stakeholder groups. We have, obviously, much more than that.

But I think they might understand that we've got many different perspectives so I'm hopeful that they'll just let that stand and that there won't be any pushback to pare back the number of people participating. I don't see how they can, to be honest.

At any rate that's kind of like how I saw the meeting. There obviously were - there were discussions about the new gTLD program and how that's moving forward. I mean, clearly that is moving forward. The registries are announcing their sunrises and that's going to only pick up in terms of pace as we go into the new year.

So that's kind of - for those that weren't there that's kind of my, you know, five-minute overview or perspective of sort of what happened at the meeting and where we are now. Any thoughts on that or questions or things that other people might want to add?

Chris.

Marilyn Cade: Actually, Elisa, it's Marilyn.

Elisa Cooper: Okay. I actually saw Chris's hand so if we can go to Chris and then we'll go to you, Marilyn.

Chris Chaplow: Thanks. So yeah just very quickly and without mentioning Montevideo again I think my other takeaway from the meeting was of course the launch of the strategy panels. And there was an initial meeting of four of the five strategy panels. And I was able to attend at least in part, part of those meetings.



And they were all very, very different meetings, different groups, different styles from, you know, the one led by Paul Mockapetris, which was very sort of informal and very technical.

And I think all the panels are reaching out for people to - who are not just obviously on the members to take part and go to the website and submit suggestions particularly the one by Simone Noveck. I think several emails - they're very active on sending things. So I'd just encourage members to look at that and take part and send feedback in there. Thanks.

Elisa Cooper: Thanks, Chris. Marilyn.

Marilyn Cade: My comment's not really very different from what Chris just said it's, I think, consistent with this. But that the BC and I in particular separately have taken the view that input to the strategic plan is separate from the strategy panels and should be maintained as such.

And so I just wanted to reinforce the idea that the - these strategy panels are groping. Most of them are composed of people who are at least 60%-70% don't actually know anything about ICANN. They're outside of ICANN trying to provide different thought processes as new thinking. But we also need to make sure that the - those of us who are experts and bring expertise are contributing through input to the strategy planning process itself.

Those strategy panels, to Chris's point, they keep calling for input, calling for input, calling for input. There's a very high probability that the input will be coming from civil society and from a variety of other places.

So, you know, I would just say if you see we need to think about - if we insist that the strategy plan itself is a place to bring all this together business can't

always participate actively in every random opportunity. We need to make sure that our voice is respected and heard in the - before decisions are taken. And the strategy plan itself may be the place to make sure that happens.

Elisa Cooper: Great. Does anyone else who attended have any thoughts or insights that they'd like to share or sessions that you think are particularly important for other BC members to know about?

Steve DelBianco: Elisa, it's Steve.

Elisa Cooper: Hi, Steve.

Steve DelBianco: I would just say that this is the first ICANN meeting where there was a preoccupation with threats to ICANN's model from the global Internet governance sphere. In the past we've sounded that alarm without much reaction. But it preoccupied leadership at ICANN, maybe not all the staff but certainly the leadership.

And I think it does (risk) that they take the eye off the ball when it comes to execution of the limited core mission and puts at risk the notion that ICANN will take on more issues in a way that - what we worry about is like scope creep, picking up orphan issues.

So I do think we'll have to, in the BC, focus at two levels; as Marilyn said focus on influencing the global Internet governance debate but at the same time some of us will have to pay particular attention to the operational blocking and tackling of security, stability, resiliency in the new gTLD rollout. So the BC has got two jobs to do from this point forward. Thanks.

Elisa Cooper: I think that's very well put. And I think that makes a ton of sense. Stéphane.

Stéphane Van Gelder: Thanks, Elisa. Perhaps just to remind those members that are less used to ICANN meetings that the end of year meeting that we've just had is traditionally the annual general meeting where there are a number of elections and changes to the leadership bodies. There was an election that the GNSO, I'm sure, that our GNSO rep will talk about that.

There was also a number of changes at the board level. There's an election, I believe, going on right now in the ALAC and the ccNSO as well. So just to flag that and I'm sure individual members can go and - to those bodies' respective websites and check who the new membership is if they want to have that information. Thanks.

Elisa Cooper: Thanks, Stéphane. All right we should probably move on to policy. So, Steve, I'm going to hand it over to you.

Steve DelBianco: Thanks, Elisa. Everyone, I sent around a two-page policy calendar yesterday as an email. It had three channels of notes to talk about the ICANN public comment process and the very last Channel 4 about BC statements and process. But I'm going to let Gabby and John, of course, to handle the Channel 2 on Council agenda and Council update.

On the public comment process I want to bring up the Accountability and Transparency Review Team, we call it ATRT2 because it's the second review team. And reply comments are due by the 13th of December. And we did not do initial comments on their final report.

Elisa Cooper and Angie Graves were good enough to draft about a page each on the ATRT. Elisa drafted comments on the structure and conduct of meetings and Angie on the multilingual resources.

Now I attached that. I circulated it also back on the 18th of November so we've had adequate review period for it but I did want to give BC members an opportunity to weigh in now. Does anyone think they would like to add to those comments or have any comments about the two pages we would plan to submit on ATRT2? I'll take a queue on that.

We did do several suggestions in June of 2013 when the ATRT was getting started. One element that could be so helpful to us is if somebody would track through what we said in June to see what ended up in their final report. I see John Berard's hand up. Go ahead, John. John Berard, are you there?

All right not hearing from John so - are we all still there?

Elisa Cooper: Yes.

Steve DelBianco: Okay great, sorry. Any volunteers or any comments on the two pages drafted by Elisa and Angie? All right seeing none I will clean them up in standard BC format and I will submit them before the deadline of 13-December. Thank you, Elisa, for that work, appreciate it.

I'm going to skip over the Thick Whois PDP. I don't believe we need to do another one unless someone on the call right now said they felt strongly about it.

Elisa Cooper: Do we just want to have a very short comment being supportive of it? So far there's only one comment. I just checked yesterday.

((Crosstalk))

Steve DelBianco: Right and the initial comment period ends this Saturday.

Elisa Cooper: Yeah, so I don't think we could get it in for this but we could - so the ALAC had some comments being supportive of it.

((Crosstalk))

Elisa Cooper: I can do some very quick comments for the reply.

Steve DelBianco: Great, so this is Thick Whois PDP. In the two gTLDs that don't offer thick Whois, which is Com and Net and the BC participated on the earlier set of recommendations and we did comment on the initial report in August. So, Elisa, the August report I've linked to it in the policy calendar there. You can touch on that. Bring that up and use it maybe as a base. But I'd appreciate if you're able to circulate a draft I can clean it up and get it around.

Elisa Cooper: Okay.

Steve DelBianco: Thank you, Elisa. Anyone else?

Marilyn Cade: Yeah, Steve, it's Marilyn. I wanted to ask you and Elisa a question. I thought Elisa's comments were totally consistent with existing BC position so why couldn't they go in as such without having to go through a larger process, right?

Steve DelBianco: Thanks, Marilyn. Timing-wise we could easily make the 28th of December deadline on Thick Whois PDP but the 7th of December was the initial. I would say this, that if we were to comment along the lines of what we submitted on August the 3rd and reiterate those comments it wouldn't require a review period for the BC at all.

((Crosstalk))

Steve DelBianco: And I think that's your point. And I would agree wholeheartedly.

Marilyn Cade: Exactly.

Steve DelBianco: So, Elisa, let me ask you to look at what we submitted on the August the 3rd. There's a hyperlink right on the screen, that's Number 2. If you believe that we're really close to that I'm happy to resubmit that and package it up for the BC. But if you believe we need to go further and deal with anything else well then I'll go ahead and circulate it with the BC.

Elisa Cooper: No I think I just would like - it would probably just be good for us to reiterate.

Steve DelBianco: Okay. All right so if that's the general consensus on this call, the BC's position on Thick Whois PDP is that I will look at our August 3, change the dates and reiterate that the BC stands by these recommendations. Is that okay with everyone?

Elisa Cooper: That's great.

Marilyn Cade: Yes.

Steve DelBianco: Okay. Great. Thanks, Marilyn and Elisa. I don't think on - moving to Item 3 on the intergovernmental organizations and international nongovernmental organizations all we're talking about here is that the PDP plan is now going to the Board.

The BC commented extensively on November the 2nd and our councilors voted accordingly at the Council meeting in Buenos Aires. Does any BC members feel that it's necessary for us to submit those comments? I do want to reiterate that we supported most, but not all, of what that plan came up with.

And I don't want to imply that the BC is asking the Board to override the PDP process because of the two items we didn't agree with. So I don't think it's sensible for us to resubmit our incredibly detailed comment from November the 2nd. Take a queue on that. This is IGO NGO identifiers, it's Number 3 on the policy calendar in front of you.

All right hearing nothing I think we'll skip that one. I need help now on Number 4. It's the study of Whois misuse. Believe it or not four years ago the BC really helped to drive this forward.

A number of us were so concerned that Council and GNSO were making decisions without any facts at all and there was a general allegation that Whois was victimizing innocent people not only for spam but for stalking. And that is to say that people with bad intent were using Whois data - publicly available Whois data to misuse and abuse people.

That allegation never had any facts behind it or even anecdotal stories but yet it hang out there and frustrated our ability to improve the accuracy and accessibility and Whois. So we pushed hard for ICANN to spend a few dollars on a study and they did. That study has just come in and they're asking for initial comments by the end of December - by the 27th.

The report is fascinating in that it dictates the kinds of ways it might be abused but it also describes the countermeasures people can take to avoid being spammed or to protect their identity through privacy and proxy services.

We need a volunteer to analyze that study and help to draft some BC comments over the next three weeks. Oh I see a hand up. John Berard, are you back in the queue?

John Berard: I think so. Can you hear me?

Steve DelBianco: Yes we do, John.

John Berard: Okay. The earlier point I wanted to make was regarding the ATRT2. There is a thread on the Council about offering comments on the ATRT2. And (unintelligible) Gabby and I have thought that it would be a good idea for the Council to move forward on some things as long as they were in line with the BC's specific comments.

And the two bits that I thought are important are the working group support, you know, to broaden working group participation and earlier GAC input. So that's what we had suggested be a part of any GNSO Council whether that goes to the ATRT2.

With regard to Whois misuse, I have only read this report quickly and once. It does in fact follow from a motion that the BC put forward and seems to reveal to me, Steve, that there is more abuse than I thought there was which suggests that it might be fuel to the fire of making sure that the privacy and proxy services are (unintelligible) placed; may in fact hamper some of - some of the initiatives that the BC put forward.

I don't know that for certain; that's just my first blush in looking at it. But I would be happy to participate in creating our comments.



Steve DelBianco: John, thank you very much. I appreciate that. We'll put you down for Number 4. Susan Kawaguchi, thank you. She just weighed in on the Chat to help with that. So, Susan, would you and John be able to do a quick review of that report?

And keep in mind the BC has never claimed that privacy and proxy services should be eliminated. We simply requested that they be standardized and that providers of privacy and proxy services be certified by ICANN. So it's not inconsistent with the BC position.

So Susan and John, thank you very much for that. Again, if it's due by December 27 ideally by December 14, roughly a week from now, we have a draft for BC members to review giving us 14 days. Susan and John, thanks again.

John, to your point about ATRT and the Council comments I would refer you to two things, John. First is the two pages that Elisa and Angie circulated that I'll be submitting in the next couple days. That's on meetings and multilingual.

But, John, the very first hyperlink at the top of the page there is the comments on ATRT2 that we submitted in June of 2013. Anything that's in there, John, is official BC position and you could bring that up with the Council in their letter or reinforce the Council if they've agreed with us on any of those items too.

John Berard: No, I have reviewed that and certainly will. My focus on the expanding the pool of candidates for working groups and early GAC involvement are - those are two areas where the efforts of the BC has overlapped with efforts of the Council in general and rather than try and create some multiheaded monster that some or one or other of the stakeholder groups or constituencies would

say no to I thought it would be best just to focus on a couple of things that -  
for the Council have become mom and apple pie.

Steve DelBianco: Thanks, John. So your impression is that next week during the Council meeting on the 12th of December it's likely the Council will have a draft and try to vote on supporting a letter from Council on ATRT2, right?

John Berard: I'm expecting to see it before that. The Registry Stakeholder Group has already been specific that - and approved by the stakeholder and constituency groups. And so my feeling is, by the time we get to the meeting on the 12th, that we will have already decided if there's going to be a letter or not. Any discussion or vote will be pro forma at that point.

Steve DelBianco: John, this is Steve. Let me ask you as a favor, not very many people on this call follow the Council list so as soon as you determine the draft outline of a letter if you're able to circulate it to your BC colleagues with the draft language and then highlight any items you think the BC ought to particularly chime in on, you know, don't wait for me, go ahead and circulate it to BC, okay?

John Berard: Sure. I'll do that.

Steve DelBianco: Fabulous. Number 5 on my list of public comment is the ICANN's draft of its vision, mission and focus for their five-year strat plan. Those comments aren't due until the end of January. And it's not a comment period that has both initial and reply periods.

Thankfully Chris Chaplow, who's on the call, and Tim Chen of Domain Tools, began the work on this when we were together at Buenos Aires. They attended

the meeting and drafted a PowerPoint in which they presented to the BC at our Tuesday meeting.

So, Chris, I know you're on the line, are you and Tim working together on a draft for the BC to look at some time in early January?

Chris Chaplow: Yes, we're sort of more in planning stage and we've actually communicated during this week with some ideas really to roll our sleeves up next week. And we've got the work that was done at the - presented at the BC meeting which we can use but also noting that on the public comment page it's quite clearly divided into the five focus areas. And I can provide five different templates for the comments.

So that really does break it down into those five sections plus the comment mission and vision and the general email address. Now (unintelligible) - and Tim, who's been very enthusiastic, Martin has also offered some - Martin Sutton has also offered to help on this and Marilyn did as well by email.

So I'll send an email around. My thought is of the five areas to try and - so each one of us - so there's four of us - but four into five maybe if we get another volunteer - to take the lead on each of those areas each.

And as a quick reminder multistakeholder, public responsibility, unique identifier ecosystem, technical and operational excellence, Internet governance ecosystem, those are the five areas that we need to take the lead and get some early draft documents I would say, back to the BC on the list hopefully at the end of next week. Thanks.

Steve DelBianco: Chris, it's Steve. To coordinate policy I think it might be better if the five of you that are current volunteers - or I should say four of you that are current

volunteers - if you're able to work up a single document that indicates your thoughts and where you're going that might be the first time to surface it to the rest of the BC as opposed to getting the entire BC list involved in the coordinating and planning that the four of you are doing on divvying up the sections. Does that make sense to you?

Chris Chaplow: Could you say that again, Steve?

Steve DelBianco: Don't need to circulate to the entire BC until the four of you have come up with the draft points on the BC comment.

Chris Chaplow: Okay, yeah.

Steve DelBianco: All right I'm about done, Elisa. If folks could scroll to the bottom of my policy calendar what was called Channel 4, I just had three updates. I'm not asking for any volunteers anymore on this call. But if you scroll to the bottom of Channel 4 there were three things I put in here to alert everybody about.

The first is during Buenos Aires we went to the microphone to talk more about a letter we submitted on singular and plural forms of the same string. We reiterated that at the mic and then I asked the Board did any of them share the BC's concerns and fortunately the new gTLD Program Committee Member, Mike Silber, on ICANN's Board, replied yes. Several of us are very concerned about this.

And a subsequent conversation with Cherine who indicated, yeah, we're concerned but we don't know what to do. I reiterated the point of creating a review process. This was also on the NGPC's November 20 agenda. They were supposed to do a reporting or look at a report on string confusion

objection expert determinations but they didn't get to it. And the minutes of their meeting indicate they simply postponed it.

Just yesterday - just yesterday the ccNSO - there was a joint working group that said what do we do about string confusion between IDNs ccTLDs? Those are non-ASCII coded ccTLDs. And ICANN has come up with a new rule where they're going to have a two-step expert panel evaluate IDN ccTLD strings that are similar.

So it's a precedent for ICANN management stepping in and saying that we can design a better process to do similarity. I know the things that happen in the CC world rarely cross over to the gTLD world but there's a chance at least that that would happen.

And Andy Abrams, I know you're on the call and at least a few of those singular plural strings were a concern to you. Do you believe there's anything we can take from what they did at the ccTLD and suggest that the Board follow that process here?

Andy Abrams: Hi, Steve. It's Andy. Yeah, I think so. I mean, I think we can take a look at that. Maybe we can go offline and take a look at the statements there and see if there's something we can turn into in terms of the letter.

Steve DelBianco: And, Andy, you told me that contracts are already signed on two gTLDs that are singular plural.

Andy Abrams: That's right...

((Crosstalk))

Steve DelBianco: ...DotCareer and DotCareers.

Andy Abrams: DotCareer and DotCareers. And that's the problem, right? I mean, I think it's going to be really difficult for ICANN to take any steps that's going to retroactively affect those contracts. But in any event I mean, at least on a going forward basis...

((Crosstalk))

Andy Abrams: ...I think - sorry go ahead.

Steve DelBianco: Were either of those strings, Career or Careers, were either of those strings the subject of confusion objections from one or the other...

((Crosstalk))

Andy Abrams: No they were not.

Steve DelBianco: So therein lies the difference in precedent. If those two strings were willing to coexist then they're not subject to contradictory objection proceedings.

Andy Abrams: Right.

Steve DelBianco: And it might be that they could be - they could be delegated and we still worry about the other 23 pairs of singular plurals for which there's been a concern.

Andy Abrams: That's true. I mean, we could still create a review process for the objections that have occurred.

Steve DelBianco: That's right. And Cherine gave me the clear impression that it's useless to go back and try to get to the original string confusion panels. They've already affirmed their support that those panels followed the visual similarity appropriately. At this point we're really mostly talking about the objection expert determinations which happened subsequently to that.

Andy, I'm in Washington all week. Would love to talk with you about it. Should I call you maybe tomorrow?

Andy Abrams: Sure, let's do that.

Steve DelBianco: Okay. Jim Baskin, you're in the queue on this topic.

Jim Baskin: Yeah. Maybe it's just slightly different but related. The string confusion in the IDNs - I believe there's some work going on. And from what I've read it looks like that's a lot broader view of confusion than singular plural for instance.

From the examples they were giving that I've seen in writing, they're talking about IDN strings that have similar meanings or fairly closely - almost identical meanings but they are different strings and how to allow those or now allow them.

And I was wondering if that's something we could take advantage of or build on depending on where those discussions are going.

Steve DelBianco: Jim, that's exactly what I was mentioning. Perhaps you weren't on the call earlier. And that's what Andy and I were planning to talk about. They are actually using expert panels, focus groups that will get together and look at the strings and then they'll quiz them on what the recognition level or the recall is.

So it's a pretty robust process. And we don't want to wait for them to finish the process to say that we should adopt it on the G-side. Instead, we would cite this as precedent that the Board knows how, that management knows how to step in and come up with a more - a rational way to evaluate whether string confusion would occur and they could copy that process here on the G-side without waiting for the CC side to finish theirs. Does that make sense, Jim?

Jim Baskin: Yeah, but I guess I was trying to say that it could go well beyond singulars and plurals. It could - I mean, from what I was looking at, the things that they were talking about, it could be even the similarity of Com and Biz, not that I'm looking to get rid of Biz. But, I mean, things that have the same basic meaning but...

((Crosstalk))

Steve DelBianco: Understood. Understood.

Jim Baskin: So I don't know that that can go anywhere but it just seemed to me that on the IDN side they are - they're going beyond simple things like singulars and plurals even though...

Steve DelBianco: Okay.

Jim Baskin: ...I understand in some languages there are no singulars and plurals but that's another story.

Steve DelBianco: All right so to move things ahead I will circulate the ccTLD announcement that came out yesterday and then, Andy, it would be great to chat with you about whether there's any opportunity to reinsert that in the process. It's possible. It's entirely possible that the New gTLD Program Committee isn't



even aware or seeing the connection between what's happening on the CC side and what's happening in the Gs. Okay nothing more on that.

I will move to the - ICANN's plan to manage collisions. The BC engaged a lot of discussion on that when we were together in Buenos Aires. And I wanted to point BC members to the fact that ICANN's vendor, which is Jeff Schmidt, or JAS Advisors, is diving right in to do gathering of information on detecting and responding to collisions. And he's chosen to do it not through the ICANN public comment process but through an open blog post and comment process at Domain Insights.

So I know that's a head-scratcher but I put a hyperlink to it right on the page. And what he's asking for is for businesses to reply with suggestions at detection and response. Of course they would be publicly available for the world to see. And I know companies will be a little reticent to reveal too much about their internal domain structure is. But are there any thoughts on that, on how the BC can and should respond to ICANN's vendor asking for information on detecting and responding to collision?

All right seeing none I'll close out, Elisa, with the last item which was the GAC advice on safeguards, which included GAC advice on exclusive generic gTLDs. This came out of the Beijing meeting. The BC doesn't have a significant position on these exclusive generic TLDs. We had considered many positions but merely gave them as ideas.

I inserted this as an update because in Buenos Aires GAC communiqué, their number one item, was asking ICANN to clarify how they see Spec 11 of the Registry Agreement, including 3c, and how that actually addresses the GAC's concern of an exclusive generic TLD.

And this will be something perhaps the Board will respond to the GAC before we get to Singapore but that's not certain at this point. Are there any comments or questions with respect to that exclusive generic gTLD part?

Seeing none, Elisa, that's it for policy. I'll turn it back over to you.

Elisa Cooper: Thanks, Steve. That was super helpful. Let's go now to John and Gabby and Council issues.

John Berard: This is John. Gabby, are you on the line?

Gabriela Szlak: Can you hear me okay?

John Berard: Yeah, I can hear you.

Gabriela Szlak: Okay good.

John Berard: The report from the Council is short and sweet, which I guess could be a description of Gabby. That was a joke, no? I guess not. Gabby joined us at the annual general meeting and participated in what was the first of a - what will now be a recurring special session at the general - at the annual general meeting working session to incorporate the new councilors into the mix. So, Gabby, you want to talk a little bit about what you saw and heard?

Gabriela Szlak: Yes. So John what might be interesting to share with you some of these experiences. This was actually the first time this kind of session was made for councilors. And it was actually very special for new members. It was very interesting. And we had a coach helping us. And it was like a welcoming session and we did some exercises to give the group bond and build trust among each other.

So people expressed hope and concerns and we discussed about the role of the Council in general. There were some interesting discussions about the difference between (unintelligible) role and a more managerial kind of role for the Council. And these discussions are still going on in the email of the Council.

So I think John will say if I'm telling the truth or not but I think I was well received by the group in general and that I was accepted freely. And I particularly got great approaches to some people, for instance, with, Yoav Keren from the Registrars also I talked with - well, you know, all of you know that I've known Osvaldo from before because he's Uruguayan as well as the two fellows who are involved in the Council, Magaly from Brazil and Amr from Egypt.

So in general I knew a lot of people as well so I think it's going to be interesting that together John and I can build interesting bridges in the Council. And I also wanted to say to all of you that I'm thankful to Steve and John in particular for the help and support they've given me and the guidance.

I will take some time to actually be fully informed of everything. I'm reading a lot. I'm reading also transcripts and reports. So for now as this is an ongoing process I will give the mic to - the floor to John to keep giving you the update - the specific update of the call that we have next 12 of December. So thank you and (unintelligible). If you have any questions of course I'm here.

John Berard: Thank you, Gabby. I think based on what I saw Gabby represents an opportunity for the BC to build some different and stronger bridges than perhaps at any time in the recent past. And I encourage us to be thoughtful about how to take advantage of her particular capabilities.

In terms of the Council I believe the Council is focused on grinding through some pretty (unintelligible) but very important matters. The fact that the work of the IGO INGO Working Group was not mentioned in the GAC (unintelligible) a bitter pill but the work of that group was significant and I think it marks - it is a bit of a high water mark for the Council's ability to rally disparate views in a highly visible and political environment. And we should take some pride in the fact that Council is able to handle that.

I would also suggest that the work we're doing on policy development process improvements is also important because it speaks to a couple of what I believe are key issues that the Council will be dealing with in the next six months to a year.

And that is expanding the pool of working group participants and getting earlier engagement by the Government Advisory Committee. It's pretty clear that those are two essential elements if we are to continue to reinforce the consensus-driven bottom-up decision making process.

(Unintelligible) align with that and something that we have taken a role in is the reconstitution of a drafting team with regard to cross community working groups. I am the GNSO Council co chair. We have extended indications to other SOs and ACs to offer co chairs including the ccNSO.

But this is another highly visible and politically active area. Look no further than the call for a cross community working group on Internet governance that came out of that special session that morning in Buenos Aires.

Again, if you haven't been looking at the Council mailing list, and there's no reason why you should, you missed the fact that Chuck Gomes and I are in a

bit of a discussion about whether the Board-directed, staff-initiated cross community working groups for specific reason are going to supplant the opportunity for the Council to create a set of rules by which these things can be created and judged.

A long time ago I did some work with Electronic Frontier Foundation, became a big fan of the concept of architecture as policy. We've already seen how the special cross community working group is emerging and doing its business. And, you know, what influence will that have on additional cross community working groups.

We also have the historic - the legacy examples of the JIG and JAS and JAS, one that worked and one that didn't. So we'll see where that goes. The cross community working groups, expanding the pool of working group participants and getting earlier GAC involvement I think are key elements of the Council's work in the next 6-12 months. (Unintelligible) questions if there are any. If not I'll turn it back to you, Elisa.

Elisa Cooper: Great. Thank you so much for that; very, very helpful. Let's, at this point, turn it over to Marilyn for an update on the Commercial Stakeholder Group.

Marilyn Cade: Thanks, Elisa. Well this is probably going to actually build on comments that have been made by others. But I just want to take us back to why we have the CSG and to ask that we think about how we strengthen and how we use the CSG.

There's a - the CSG was able to provide a speaker - a topic session on Monday. And we did our best to coordinate inputs of that. It was very interesting that the - after internal consultation in the CSG and with each of

the constituencies where I was chosen to speak for the CSG reps but then the ICANN staff changed the agenda.

And I say this to you because I think we need to be thinking about how we strengthen and improve the respect and integration of the staff to our community.

We did okay, I think, on the hot topic session. But then we - on Tuesday - and Elisa's already referred to this - we pushed very hard as the BC to - with the support of the other constituency members to call for this special session on Wednesday morning.

It was not exactly what we asked for. We wanted to have questions answered but we still made progress. We now have a cross community working group call for participation. And Elisa has distributed that. There've been a number of BC members who have signed up for it.

But the thing to understand is there's a lot of confusion inside ICANN about how to work with the stakeholder groups. And I think that's something that we should put on our agenda and come back to and think about how we work on helping ICANN be more aligned and effective in working with us rather than sending confusing messages. I just want to park that thought for us to think about as something to work on as we go into planning for Singapore.

The CSG leadership did, in response to discussions with other leadership from the rest of the house, have been discussing the idea of an intercessional. The ICANN staff is not interested right now in supporting that. But that discussion is going to go on in the next few days and we'll come back into the full BC membership to discuss.

We did an intercessional between the executive committees of the house last January. It turned out to be very productive. If it is possible to do an intercessional we'll need to come back to members on all of the priorities and what the topics would be.

Elisa, I think it would be good - I think Ayesha is on the phone. I think there's - it might be good if we had a few minutes to understand the external discussions that are going on in relation to organizing the Brazil meeting and how it relates to ICANN and the fact that there's a larger external process that's going on as well on Business input.

I am a part of that - and so is Zahid. But I welcome - also welcoming any comments from Ayesha if she happens to be on the phone.

Elisa Cooper: So she sent her regrets so she was unable to make the call today. But if there is anything that you can share I'm sure members would be interested to hear.

Marilyn Cade: I'll just quickly cover this. I think members - some members are intimately involved in this; others are not. But it's worth mentioning there's been a bit of confusion about one Inet is and what it isn't. It's being reconstituted. There's also a call for - through Inet for nominations for business representatives into organizing committees for the Brazilian event.

The Brazilian event is a larger event, it's not specifically about ICANN but issues that affect ICANN are very much a part of the Brazilian event. And there are four committees two of which will have representation from business, the technical community and civil society.

And then one committee is totally logistically-oriented so it's CGI only that is the organizers and another committee is about engaging with governments and

so that's government to government. But two of the committees do include two representatives from business, two from civil society, two from the technical community, one from NGO and then an academic so it's eight people plus the government representatives.

The Brazilian government is still reaching out to other governments to include them in the planning for the Brazilian event. I think some things that we need to keep in mind, and we can talk more about this separately, since there's so many members of the BC interested in the cross community engagement on this is that Brazil is not solely about ICANN; it is about the larger Internet governance issues.

And that's going to be an important message for us to all remember and make sure we don't let Brazil subsume all - or replace the work that needs to go on within ICANN about improvements. But I know Zahid's on the phone and also has a very significant interest and involvement in this.

Elisa Cooper: Thanks, Marilyn. I, you know, foolishly I may be wrong but I'm under the impression that these topics and this area will also be a big part of the discussion that this community working group on Internet governance will be taking on.

Stéphane, I see your hand up. We have just a couple of minutes and I did have one item that Ron wanted us to broach but go ahead, Stéphane.

Stéphane Van Gelder: Thanks, Elisa. Very quickly just - Marilyn, thanks for that update. A question on the intercessional, I may not have clearly understood what you said there. But did I understand correctly that this is a proposed meeting between the leaderships of the different groups in the CSG? And if I - if that is



the case what is the aim of the meeting? Sorry if this has been covered before but it's news to me so if you could just help me out there that'd be appreciated.

Marilyn Cade: Just to clarify, no the intercessional was a suggestion for a meeting between the ExComms of the house. And so that would be all of the ExComms of the - it's be the NCSG, the NPOC and the three constituencies in the CSG with the idea that we are trying it improve collaboration and coordination on things.

For instance, in the last intercessional, Stéphane, we talked about things like improving our collaboration and input on the budget and also it was focused on organization structure not on policy issues.

Stéphane Van Gelder: Thanks, Marilyn, that's great. Thank you very much.

Elisa Cooper: Okay we have one minute left. Ron, who was unable to attend this call because he's traveling, did want us to cover one additional area in any other business and that was just quickly he - at the meeting in Buenos Aires we decided that we would put together sort of a subcommittee to take on moving forward with the charter changes.

And we had John, Ron and Andy who had all sort of agreed to help with that process. And so I just wanted to bring that up again. If there are others that want to be part of that group that will take on the charter amendments. And I think in particular concern is the membership criteria area of the charter.

If there are any others that want to participate with that process taking that forward and moving that along actually if you can just send me an email I'll make sure that you are all connected.

So with that we are actually at the top of the hour so I want to thank everyone for joining today's call as always. And I will wish you a good day and we'll talk again soon. Thank you so much.

Jim Baskin: Thanks. Bye-bye.

Steve DelBianco: Thanks, Elisa.

Elisa Cooper: Bye.

Chris Chaplow: Thanks. Bye, Elisa.

Benedetta Rossi: Thank you, (Kelly), you can now stop the recording.

END