

ICANN

**Moderator: Gisella Gruber-White
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Benedetta Rossi: Thank you, (Tonya). Good morning, good afternoon, good evening. This is the BC members call taking place on the 16th of January, 2014.

On the call today we have Jimson Olufuye, Chris Chaplow, Andy Abrams, Elisa Cooper, Ron Andruff, Angie Graves, Jim Baskin, Marilyn Cade, David Farris and Tim Chen and Steve DelBianco has just joined.

We have apologies from Laura Covington, John Berard, Gabriella Szlak, Sara Deutsche, Anjali Hansen, Marie Pattullo, Barbara Wanner, Phil Corwin and Phil Lodico.

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, Bennie. So we may have a rather abbreviated call today but we do have a number of items to cover the first of which I wanted to spend a little bit more time on the cross community working group on Internet governance. I know that last time we spoke the plan was to get a call together with the

members of that cross community working group from the BC to determine what should be on the table and what should be off the table in terms of the Brazil meeting.

But I know that things have also changed a little bit in the last week so it'd be great to hear from - I know that both David Farris and Marilyn and Aparna are on the call and they are all on that committee - to see if that's still the right approach. If it is then Benedetta will set up a Doodle so that you can find a time to discuss next steps.

Then I know Steve sent out a really great policy update and we should go through that. Neither John nor Gabby are on the phone so I don't think we'll be going through their update.

And then are there any other items or issues that people would like to bring to the table for this call? Because I think we'll have some additional time.

Marilyn Cade: Elisa, it's Marilyn. Under AOB I just wanted to see if we could have a quick take the pulse of the members on the guest for the cross constituency breakfast...

Elisa Cooper: Oh.

((Crosstalk))

Marilyn Cade: It doesn't need to be detailed but it would be helpful.

Elisa Cooper: Great.

Steve DelBianco: Elisa, it's Steve. Anything on the elections timeline?

Elisa Cooper: Yes. Actually Benedetta just - thank you for the reminder - just is about ready to send an announcement on that. Benedetta, maybe you can just give a quick overview of what the dates look like and then there'll be an email describing all of the requirements and how the process should take place. Benedetta, can you just give us a quick update on the dates?

Benedetta Rossi: Yes of course. So the nomination period for the officer elections for 2014 will open on the 30th of January and run for two weeks until the 13th of February. The candidates call will take place on the 18th of February and the call, as usual, will be transcribed and recorded and then will be posted to the BC membership list.

Voting will open on the 19th of February and will continue for a week until the 26th of February. Counting by the voting officer, which his myself, and validation of the votes by the VeriSign officer will take place the following day on the 27th of February. And the announcement of the outcomes will take place on February the 28th or before if the votes are validated the day before. And that's all.

Elisa Cooper: Thanks, Benedetta. Just a couple of things I'd like to point out about this election. I think in the last couple of elections there were a couple of issues that were raised by members and so in the past when questions were posed to the different candidates those were done sort of anonymously. That will no longer be the case.

The questions that are asked will not be anonymous. They'll be consolidated and Benedetta will send them to the candidates prior to the call. So that's a little bit of a change in terms of what has happened in some previous elections.

Also, it is the case that in order to nominate and accept a nomination that emails must be sent to bcvotes@hotmail. However, that does not preclude anyone making a public nomination or accepting a nomination publicly on the BC private distribution list or the public list.

So just a couple of things to remind people about. I see Ron has his hand raised.

Ron Andruff: Thanks, Elisa. I just wanted under any other business to make a quick comment on the subcommittee that's been working on the BC charter - I just wanted to add that to the list. Thank you.

Elisa Cooper: Sure.

Marilyn Cade: And, Elisa, it's Marilyn. Can I just raise a relative - I think it's a strictly relative point about the election?

Elisa Cooper: Yeah sure, go ahead.

Marilyn Cade: I just wanted to comment that in the past we've been very careful to keep campaigning off the BC list. Campaigning being different than announcing someone's been nominated but active campaigning has not been allowed on the BC list. And in fact the charter concludes that.

So I think just to clarify what you were saying as an improvement is nominations or acceptances could be announced but I don't think we've actually gone so far as to say that the list could be - or should be consumed by campaign statements.

Elisa Cooper: Yes, no that's great. Thank you for...

Benedetta Rossi: Elisa, this is Benedetta speaking. May I just make a point...?

Elisa Cooper: Sure.

Benedetta Rossi: ...about the election? Just about what you just said just to clarify that on the announcement on the list should not replace the confirmation of the election and the nomination on the BC votes email address for the record. So members can obviously accept a nomination and announce their nomination for somebody else as long as they copy the same email to the BC officer on the BC votes email address.

Elisa Cooper: I'm sorry so copying BC votes is good enough or is not good enough?

Benedetta Rossi: It is basically as long as the email is also sent to BC votes then it's fine...

Elisa Cooper: Right, right.

Benedetta Rossi: If it's just on the BC list it's not...

((Crosstalk))

Elisa Cooper: Yeah. So, yeah, the requirement is it must go to BC votes.

Benedetta Rossi: Exactly, yes.

Elisa Cooper: Yeah, what may happen is that you may announce it publicly and you may accept it publicly. Okay so great so we will move on. Let's talk a little bit about what is going on with the cross community working group on Internet

governance. And any other issues around 1net or the Brazil meeting that people would like to share or - I know that - as I mentioned we decided that we would sort of try to develop a list of what should be and should not be on the table for the Brazil meeting.

Does that still make sense in light of any changes that may have happened over the last week? I know that members of the cross community working group are on the call. So it'd be great to hear from members of the working group as you think anything has changed. If that still makes sense. And I know that also information about the meeting itself in Brazil was actually released within the last few days.

So I'm wondering if somebody within that working group might be able to share some updated information with us?

David Farris: This is David. I can try and jump in. We have actually not yet had a call since the last BC meeting which I missed. So I do think the plan, as was outlined on the last call as you just summarized, is probably still relevant for us to go ahead and do. I don't know what my colleagues from the working group think.

And, by the way, I should just note that our next call is tomorrow.

Elisa Cooper: Right, in the middle of the night.

David Farris: Morning for me luckily.

Marilyn Cade: It's Marilyn. I would support the idea that we still need to have our own discussion and then consider about advancing whether we can find support from other like-minded players in the CCWG.

The calls rotate so they are at advantageous times for parties in North America on one cycle and Europe on another and in Asia Pacific on another. So the 2:00 am Eastern Standard Time is not at 2:00 am in Australia or India but we do have a call at 2:00 am tomorrow morning.

But I personally think it would be very helpful for us to advance what do we think needs to - should be on the agenda and should not be on the agenda. I can also provide an update about the planning for Brazil if that's relevant maybe after Aparna adds her comments about whether she still thinks the idea of the internal BC call is helpful.

And I would just say although there are four BC members to the CCWG we had alternates as well. And I would be very welcoming of including the alternates in the discussion about the prioritization if that is of interest to the alternates - sorry, observers I think. Elisa, sorry, observers I think may have been the term.

Elisa Cooper: Yeah.

Aparna Sridhar: Hi, it's Aparna. I agree with Marilyn and David that we ought to still formulate a sort of what's in, what's out table. There really hasn't been much that's changed between the last call and today.

Elisa Cooper: Okay. Yeah, Marilyn, it would be great if you could provide us with an update on what you know about the Brazil meeting.

Marilyn Cade: Okay. So very quickly the logistics committee met last week and Fadi and Chehadé and Nick Tomasso traveled to Brazil to participate in that meeting. That meeting was chaired by Hartmut Glaser who is someone that many people heavily engaged in ICANN and also in the Internet governance forum

are very familiar with. Hartmut is the CGI and also on the Board of (LATNIC), kind of a stable leader in the Latin American region on many issues.

He was also the host, which some of you will remember, to the two times that Brazil has hosted the ICANN meeting; he has been a part of the organizing committee.

The logistics committee met. They focused primarily on the logistics issue. There is going to be a report I'm told that will be publicly available. On the 27th of January there will be a meeting of one of the two - so the Brazilian planning activity has four committees.

One is a high level committee; the second is a committee that I focused on engagement with multi stakeholder and kind of the program of the planned meeting; third is the logistics committee and the fourth is a committee that is restricted or focused on who the governments are going to be that participate and how those government representatives interact with each other.

On the high level meeting a meeting of that group has not yet been planned. There are two representatives from the business community. I am purposely using a very different term than "constituency" because the Brazil meeting is not just about ICANN; it is a broader meeting.

There are two representatives from the business community who are acting as liaisons. That is (Joe Alerduf) and - from (ORCO) and (Chris) (unintelligible) from Telefonica.

On the multi stakeholder - I'm calling it the program committee - I'm getting the terminology probably screwed up here but that's close. There are two

representatives from the business community; that is Zahid Jamil, who we all know, and is of course a part of BC. But this is not a part of his role in the BC; it's a different liaison role. And a gentleman named Chip Sharp from Cisco.

They will be in Brazil on the 27th of January when that committee will meet for the first time. I already talked about the logistics committee. And then the government committee - Brazil has reached out to a number of governments. They have already confirmed that France has accepted the invitation to be one of the 12 governments.

They have active invitations out to nine governments. They have not disclosed the names of the governments. I would say relatively factual rumors around indicate that Germany was on the list, India was on the list, South Africa was on the list, the UK was on the list. Looking at my notes. And there was a geographic diversity to the context that they made.

So of the 12 there was an indication, I was told by someone from the Brazilian government, that they were trying to ensure that there were - and invitations were out to two to three governments from each of the five UN regions.

But the only government that is publicly - has publicly acknowledged it has accepted so far is France. And Brazil has indicated that their invitations are being accepted on an ongoing basis and that they intend to release the names of the other governments in the near future.

Elisa Cooper: Wow. Well that was interesting.

Marilyn Cade: Can I just say one more thing about 1net because Aparna and David and I, in a different capacity, are also part of the 1net steering group. And I'd like to just say something about that. I think the other reason that I think it's very

important for the BC to comment on what we think are in - is what in and what out - on - in advice to ICANN 1net is - has a broader agenda. It was founded to address the broader IG changes and initiatives and (lead) beyond the bill which is seen as a one-off event.

And so I'm hoping that we can also continue to use this mechanism to provide updates and feedback about the 1net activities as the 1net activities become more stable and more productive.

The steering group of 1net is going to be - it's been launched but we've been waiting for the technical representatives, which will be appointed this week. And I would expect - and I would look to David and Aparna to spot me on this - but I would expect there to be a steering group productive discussion of 1net coming up very shortly.

Elisa Cooper: Ron, I see you have your hand raised?

Ron Andruff: Thank you, Elisa. Marilyn, did I understand you correctly that it's just a handful of governments are being selected by or invited by Brazil? And if that's the case then what role will the GAC have? Because one would think that the ones who know the most about ICANN, Internet and so forth would be the representatives who show up for the GAC.

So could you expand on that a little bit? Is it in fact as I understood; a handful of nations have been invited and others are observers?

Marilyn Cade: So let me be clear that Brazil has said consistently everywhere, including in a meeting that I had with them when I was in Geneva recently, that they are concerned that everyone understand that the Brazilian meeting is not about ICANN; it is about a set of principles for Internet governance, multi

stakeholder engagement and improvements and changes to the multi stakeholder activities, models, framework. David and Aparna are going to help me with the language - about Internet governance.

So I think when we're sitting inside ICANN sometimes we think it's only about us. But it's a much broader range of discussions. It affects ICANN and ICANN has made so much of this, you know, that they - and Fadi has - by stepping up as vice chair Fadi has made it very much about ICANN's contributions.

But on the issue of the governments the planning committee includes 12 governments. The participation in the meeting is very different. And one of the things that is being discussed, both by the logistics committee, and that will be discussed by the committee that Zahid is on and also each of the other committees and by 1net is how to ensure broad and diverse active participation.

And the participation, again, is not just about the GAC but about governments as well as other stakeholders. So what the chair, Heather Dryden, said in the recent meeting that Elisa was on - and, Elisa, I read the transcript but I would turn to you because you were on the call - that, you know, Heather is also noting the challenges for governments in how they examine and participate in activities like this.

But the governments I've spoken to, because I've been trying to find out what governments have been invited, and the participants in making the decision are not, in most cases, the GAC member; it is a foreign ministry consideration of whether to participate and how to participate.

Steve DelBianco: Question, Marilyn. Those people you're characterizing that would come from those governments so they're closer to their United Nations side of the government representation than they are to the telecom industry. Would that be a fair statement?

Marilyn Cade: Varies from government to government. And the three European governments I've spoken to there's a discussion going on between the - what we would consider the econ minister, the foreign minister, the communications minister and - but it really does vary.

And it varies based on one government is particularly concerned about the - issues of human rights. And so the focus that they are taking on whether they will participate comes from what the principles and the framework might imply in relation to the role of human rights. Another - but it's very different.

And, again I apologize for taking so much time on this. I'm just going to make one final point. I'm happy to circulate my (unintelligible) timeline to the private list. I don't want it distributed but I'm happy to circulate it. But the point is these discussions are going on in a range of other issues. David, Aparna, Steve, many of you are engaging in those other discussions. But Brazil is one event in the road to - to decisions.

Elisa Cooper: I see - Steve, I think you may have already asked your question but I see your hand raised.

Steve DelBianco: Just one follow up to that, Elisa?

Elisa Cooper: Oh sure. Yeah, go ahead.

Steve DelBianco: Great thanks. I listened in on the hour and a half Webinar from the ICANN Strategic Planning Committee led by Vince Cerf yesterday. It's on ICANN and their role in Internet governance. And the transcripts and slide presentation from that little focus group are available to the public on ICANN's Website. I'll circulate that link in the Chat in a minute.

But during that call we learned that the European Commission has put out a draft report. It's a response to the National Security Agency surveillance program.

It doesn't have a lot to do with DNS but nonetheless they called on - this is a quote - "Calls on the European Commission, European states to take action at the international level within the UN in particular and in cooperation with interested parties, such as Brazil, to implement the EU's strategy for democratic governance of the Internet to prevent undue influence over ICANN and IANA activities by any entity, company or country."

They also call for changing the architecture of the Internet so the data flows and data storage can be redirected and reconsidered. (Unintelligible). But I'll circulate a link to that and it's well worth everybody considering that ICANN has, well, many minds.

And Vince Cerf and Alejandro Pisanty and some others who are influential at ICANN sort of agree with Marilyn and I and many others on this call that ICANN's executive leadership has engaged in a little bit of a scope creep, maybe even mission leap lately. And they're trying to constrain how far ICANN gets engaged in things like IGF and Brazil.

Elisa Cooper: Thanks, Steve. Any other questions, comments on this topic? Well that was extremely helpful, Marilyn. Thank you for sharing all that information.

Shall we move on to our policy update? I'll just ask one more time, any other additional questions, comments, thoughts? Okay so Benedetta will send out a Doodle to try to schedule some time for that group as well as the alternate to have a discussion about what is in and what is out.

Marilyn Cade: Yeah, Elisa, I'm sorry to - and again but I just need to raise a question and ask Aparna and David to comment. Coming up in Singapore the - and this is an issue about CCWG and its role. Coming up in Singapore the NCUC and ALAC want to - actually the NCUC wants to control a one-day session on Friday that is about these issues.

And I would ask the BC and ask David and Aparna - I haven't had a chance to ask them or field this question - but it seems to me that we would want the CCWG to organize any such event so that there's more balance.

And since it is going to involve ICANN resources it seems fair to think that we should ask that any such event - and Friday would be exclusionary since many people from business can't spend a full day. But could we add that maybe?

And I'm sorry to spring this on Aparna and David. But could we add this to our discussion in the BC rep plus observers and come up with a recommendation? Because otherwise we're going to have a full day external meeting, organized only by NCUC and driving in a particular direction. And if it's organized by the CCWG I think it would have more balance and we would have more of a voice.

David Farris: That sounds like a good idea to me too. Thank you. It's David. And unfortunately I have to drop off, everybody.

Elisa Cooper: Thanks, David. All right so it sounds like David thinks it is a good idea to discuss that topic during a to-be-scheduled call with that group.

Let's move on to - if it's okay with everyone - let's move on to our policy update so I'll turn it over to Steve.

Steve DelBianco: Thanks, Elisa. I sent a policy calendar yesterday. And there are only three items I wanted to cover on it; they're Numbers 1, 2 and 3 under Channel 1 on Page 1.

First is a - ICANN's study on Whois misuse. Comments closed end of this week. And we circulated a draft one-page comment on January the 9th thanks to Jimson, Susan Kawaguchi and John Berard for their work on that.

And then yesterday David Farris of 20th Century Fox asked that we lay down and repeat an ongoing Business Constituency principle that access to Whois should not be cut off just because we're finding other ways to address misuse. I had added a single sentence to the one-page draft to address that.

I'll just read that one sentence and see if we have any feedback from anyone else on the call that wants to discuss. Otherwise we'll consider this accepted and we would be filing it on the 18th of January.

The one sentence I added was, "Finally, any restrictions on Whois access that might be contemplated as a result of the study should nonetheless preserve access by any party needing to know the identity of those registering a domain where there is evidence of actionable harm."

Other than that are there any comments or questions from BC members about this one-page draft on the Whois misuse plan? I'll take a queue. Fortunately Jimson is here and he can answer the questions as well as manage the queue. Jimson, over to you.

Jimson Olufuye: Okay can you hear me?

Steve DelBianco: We do.

Jimson Olufuye: Can you hear me, Steve?

Steve DelBianco: Yes, sir.

Jimson Olufuye: Okay great. Good day, all. I really want to thank all the (unintelligible) on feedback on (unintelligible). Actually the point raised was kind of mentioned in the one-page comment is not as clear as we put it - as Steve put it. And I accept the clarity in Steve's addition so thank you, Steve, for that. I think it is quite okay.

Really the public has the right to access the Whois. And nothing would be (unintelligible) to hinder that. But at the same time there is evidence that some people actually (unintelligible) go into Whois, you know, to kind of get data and information for some nefarious activity.

But that would be easily mitigated (unintelligible) abuse but it should not in any way stop legitimate access to Whois. Thank you, Steve.

Steve DelBianco: Thank you, Jimson. Anyone else in the queue on comments or questions? All right we've given folks until the end of the week to comment on it so if we

don't see anything on list I will consider this approved and we will be submitting it on the 18th. Thank you, Jimson.

Second item on the screen in front of you is a proposal for the BC to comment on an ICANN proposal which is really picking up off the Brand Registry Group, to add a new Specification 13 or Spec 13, to the registry contract.

And that would only be applicable to top level domains operated by what we call dotBrand registries, which are companies operating a top level domain that matches one of their trademark terms. And it would be operating entirely for their own use. In other words, they would be the registrant of record of every single domain in the TLD. There are a number of BC members seeking that as well.

And on last week's call Andy and Stephanie - Andy from Google and Stephanie with Fair Winds - volunteered to draft a Business Constituency comment on these amendments. They also agreed that whatever their status is as applicants for dotBrand or consultant to dotBrands they took the position of what would it serve the interest of business registrants and users in terms of a brand registry Spec 13?

So with that I'd like to turn it over to Andy Abrams to lead us through the two suggestions he's making. And again, everyone, this is the second attachment to the document I sent yesterday. Go ahead, Andy.

Andy Abrams: Thanks, Steve. I'm Andy Abrams from Google. Yeah, I think - I don't know if people noticed but so far with the new gTLD program really the only launches that we've seen are from the kind of the open traditional registry model. A lot of them are from Donuts. And so I think it would be good for businesses and

for users to see some dotBrands out there and Spec 13 is going to go a long way to facilitate that.

And really the Spec 13 is an addendum to the Registry Agreement which primarily touches upon changes to two provisions which the BC has historically supported; one is to Section 2.9 of the Registry Agreement and that's regarding nondiscriminatory access to registrars, which doesn't make a lot of sense for the single registrant model.

And the second is to Section 4.5 regarding the transition of a registry upon termination of the agreement. And, again, for a dotBrand the current language doesn't make a lot of sense because it's an intellectual property which belongs to a particular company.

And so if the Registry Agreement is terminated we really don't want that brand to be transferred immediately to a successor registry. That could cause some consumer confusion and damage intellectual property rights.

So we think Spec 13 does a good job of taking those into account taking into account the special needs of dotBrands and defining a dotBrand fairly narrowly to limit it to trademark owners. And so I think it's a good idea for users and for businesses to support this change.

((Crosstalk))

Steve DelBianco: And, Andy, real quick, that's the first - really the second paragraph of your letter and you quite correctly summarized positions the BC has previously endorsed as early as 2010. And so we're supporting those once again in terms of changing it for brands and so that's fantastic.

And then you could turn to the amendments and suggested improvements that you have in mind too.

Andy Abrams: That's right. We only have two minor improvements that we suggest. One is a clarification in the definition language. A lot of dotBrands applied for TLD registries under subsidiaries. And that is actually taken into account in a lot of the language in Spec 13. But there are two clauses that discuss trademark ownership and we'd like to broaden that to include affiliates as well to make sure that it's consistent with the rest of the language.

And then the second improvement deals with the sunrise provision. Right now we feel that the sunrise provision is actually backwards for dotBrands. By its very definition a closed dotBrand is limited to domain name registrations by the registry itself. Third party trademark owner cannot participate and therefore a sunrise is pointless anyways.

And so at this point there is a requirement for a sunrise which no third parties are going to be able to participate in anyways. But at some point if a dotBrand registry decides to open up that would be the point in which a sunrise would be useful to protect brand owners and currently there is no such language in Spec 13. So we'd love to switch around the timeline to ensure that the sunrise occurs at that point. And happy to take any questions if anybody has any.

Marilyn Cade: Steve, it's Marilyn. I have a...

((Crosstalk))

Steve DelBianco: Looking at the queue I'll start you off with one question. Your first request for an improvement on the affiliate language is that a change to Spec 13 as

proposed or is it a change to another spec like Spec 5 in the existing Registry Agreement?

Andy Abrams: It's a change to Spec 13. There's a Section 5.1 in Spec 13, 5.1(i) and then it goes through - let me look at the agreement. I have it in front of me. So this is the definition of a dotBrand. And it goes A through F discussing the eligibility.

And so in a couple of the clauses it talks about a dotBrand being a registry which owned and used by the registry operator or its affiliate. There's another clause which talks about it was issued to the registry operator or its affiliate.

But then there's clauses discussing the trademark usage which neglect to include that term "affiliate" so we just wanted to clarify that that should be included in there and make it consistent with the rest of the language.

Steve DelBianco: Great. And so what I pointed out was what potentially then is a typo in your draft. The first lines on top of Page 2 under Inclusion of Affiliates in dotBrands your first sentence says, "The BC supports a clarification of Specification 5," I think you meant Section 5.1. Not Spec...

((Crosstalk))

Andy Abrams: Thanks, Steve. Good catch.

Steve DelBianco: Specification 5 is a different chunk of the Registry Agreement where my confusion came from. Thanks, Andy.

Looking for the queue I see Elisa, you're next.

Elisa Cooper: I think, you know, this notion of like when a closed registry liberalizes or opens and having the sunrise period then makes a ton of sense not only for actually dotBrand registries but for any sort of - you know, I'm sure we could have wished we would have known all these things or thought of all these things.

But it - I mean, that actually makes sense for any sort of overly restrictive registry that will later on liberalize where, you know, the trademark owners did not meet the eligibility but then, you know, most trademark owners will meet the eligibility. But anyways I'm very supportive of that particular component.

Steve DelBianco: Thanks, Elisa. Any other comments in the queue?

Marilyn Cade: I'm having trouble raising my hand, Steve.

Steve DelBianco: Hey, Marilyn. Go ahead.

Marilyn Cade: Thanks. I have three questions. One is I think it's important to carefully define what an affiliate is so that it is actually an organization - an entity - a commercial entity that is carefully defined to be directly related to the dotBrand. And I'm sure that's been thought about already, I just wanted to mention that.

The second issue - I do have a concern about this idea that, quote unquote, a dotBrand decides to open up. A dotBrand that receives the category and special treatments in order for them to decide to open up that implies that behavior could happen like what happened with dotCrow and all of a sudden we find ourselves in a generic space.

So I'd like for the BC to be vigilant about what our views are about what the steps are that might change the status of a dotBrand into something that is actually not a dotBrand.

And then finally I want to be sure that we are very, very vigilant on this transfer issue. I was very concerned in years past and ICANN didn't seem to understand that they cannot willy nilly move the transition a registry.

If a dotBrand decides this is not no longer in their business interest, they're no longer going to maintain a registry and the registry is really just about their internal names and internal functioning the idea that ICANN has the opportunity to just give even a two-year cooling off period, that was a shock to me, but a notice of any kind.

I thought we had fought very hard to say no, no, no, this is in the hands of the brand holder. And if they decide to close the registry other than maintaining some kind of a referral Website the brand holder should be able to make that decision. And I...

((Crosstalk))

Steve DelBianco: Marilyn, on Page 1 of Andy and Stephanie's letter they acknowledge that that was the previous BC position. And it is in the proposed change to Spec 13 already. So all Andy and Stephanie have done is express and acknowledge gratitude that the BC's suggestions have been taken into account so I think that's covered.

Marilyn Cade: Fantastic. I just, you know, I just think it's a really important issue for brands.

Steve DelBianco: Right. And we won that one. Woo hoo. Andy, what about this notion of changing? If a dotBrand decided to change to become open would it actually still use the same registry contract? Would it literally take Spec 13 and dispose of it and instead adhere to the rest of the Registry Agreement? Or do you think...

Andy Abrams: That's my understanding yeah...

((Crosstalk))

Andy Abrams: ...because there is a definition of a dotBrand within Spec 13. And so at the point that a dotBrand no longer meets that definition my understanding is they would have to meet the standard Registry Agreement.

Steve DelBianco: But at that point the sunrise requirement is in the standard Registry Agreement. Ah, but you've already missed the deadline for sunrise...

Andy Abrams: Exactly.

Steve DelBianco: ...which was buried in...

((Crosstalk))

Steve DelBianco: ...so your point of changing it...

((Crosstalk))

Steve DelBianco: Yeah, exactly to let it run subsequent to the change. So I don't think there's anything in your letter that suggests that it's either appropriate or anticipated

that a brand would switch to open. You're simply saying that if one did it would want to run the sunrise at that point?

Andy Abrams: That it should for the protection of brand owners, that's right. That's a good point.

Steve DelBianco: Any other hands in the queue or anyone else? Marilyn, any follow up?

Marilyn Cade: No, no, thank you so much.

Steve DelBianco: Great. Stephanie and Andy, thanks for drafting this. This one is due the 31st of January. And we circulated it now so we'll have a full two weeks to review it prior to submission date. Let me move to...

((Crosstalk))

Andy Abrams: I'll make that one correction and I'll send it back to you.

Steve DelBianco: No need to do that just make that correction in your draft and then anything else we learn over the next two weeks we'll have a final later on.

Andy Abrams: Great.

Steve DelBianco: We're just changing - all we've changed really today I think, Andy, was specification to section at the beginning of your first amendment.

Andy Abrams: That's right.

Steve DelBianco: Great. Thanks again. All right we're turning to the third and final item I have on the policy calendar. This was something that Tim Chen and Chris Chaplow

began working on in Buenos Aires. It's a very important BC comment on ICANN's proposal for their five-year strat plan; what should be their vision, their mission, their focus.

Since then Tim and Chris were joined by help from Martin Sutton, by Marilyn Cade and Andy Mack. So their drafts were circulated by Chris Chaplow earlier today. And I realize it's difficult and challenging to manage several different documents which are really just several different sections but that's the way ICANN had structured it so it's the way Tim and Chris and their team did.

So I'm turning things over to Tim Chen to lead us through that. Again, this comment closes January 31. Today's our official beginning of the BC comment on it so we don't have to close it off today but it'd be great to hold a few minutes of discussion. Go ahead, Tim.

Tim Chen: Sure. Thanks, Steve. Can you hear me?

Steve DelBianco: Yeah, it sounds very clear.

Tim Chen: Okay great. Appreciate that. Chris, I believe, is driving so he's asked me to step in on this. First of all I want to thank the other team members that you noted, Steve, for joining us in this effort. It's very important so I wanted just to take a moment to remind everyone about the five topics.

We're talking about the five-year strategic plan for ICANN which I think is something that everybody on the BC could and should have a comment on. So we're looking forward to everyone having a chance to send us feedback over the next two weeks before this is due I think two weeks from tomorrow.

So just to pause for a moment, there's up to eight documents here. There's the vision and the mission for ICANN as well as a general comment. I'll put those aside. The five years, that the five of us are focusing on are the implementation of the multi stakeholder approach, the public responsibility framework, the unique identifier ecosystem, technical and operational excellence for ICANN and roll clarity, which I think is obviously a timely one for ICANN and the broader Internet governance ecosystem.

I believe we still have to write a draft on that last one so apologize for that. (Unintelligible) I think people are a little caught up in the 2014 kickoff work that happens to every company at the beginning of the year. But we should be able to finish this one time. And I think it's important to get the BC's comments on that. Excuse me.

I think perhaps one area that's really important not to forget is that we still have the ability to comment on whether or not there are important policy initiatives or areas of strategic importance that are not covered in these five because obviously we're helping ICANN carve out a strategic plan. And from what I observe in the way Fadi operates he's going to operate against this plan pretty directly itself.

There's an important area to you as an individual representative of the BC and to the BC more broadly that is not here. That's also an important point to bring out over the next two weeks. Chris Chaplow has routed - and I think he routed it to everyone in the BC - a short summary of the prior strategic planning document.

Some of the other related kind of strategic policy initiatives that have come out over the period between then and now which is an interesting way to look at the context of how things have changed and the priorities for ICANN going

forward. So that's also a good document to take a look at for - to cover the areas that ICANN, in the mind of the BC, should be focusing on with clear strategic importance over the next few years.

So I don't want to repeat it all here. We're running up to 45 minutes on the call. I would just say that our team is going to be working on revising these drafts ourselves and get final drafts out (tomorrow) which is the final deadline back to everyone. But in the meantime the initial drafts, at least for four of these five, are in the hands of the BC. And with that context I hope people - encourage people to send feedback back.

And Steve, again, back to you on the protocol and this - or to Chris who maybe can chime in from the road. I'm new here so I don't know what the right protocol is for routing comments on what can be up to eight different documents. So maybe you can address that before we move on to the next section.

Steve DelBianco: Yeah, thanks Tim - Tim and Chris. I would make a request - and I did this last week - if you can when you get this next section done would you please consolidate all of them into a single Word doc rather than have eight Word docs. I realize that they're tabular format. ICANN is asking for our responses one at a time but we'll be able to cut and paste that and I'm happy to help. But it would be so much better for Business Constituency members to reply to a single doc where we can turn Track Changes on.

And the protocol, Tim, for that is that any BC member wanting to comment on it typically does a Reply All to the BC list. And Chris has expressed a preference to put on the BC private as opposed to the BC public list. It still goes to all members. And a Reply All everyone would see a marked up version of the document.

For everyone's benefit if you click on any of the drafts that Tim and Chris circulated this morning - or Martin Sutton circulated you'll see that they're all in a table format where ICANN has provided the focus area goals and then the BC provides outcomes, measures and general feedback on each of these several areas.

So again, Tim and Chris, thank you. Are there any other comments from Tim, Chris, or other members of the BC? I realize we just got these documents this morning so I wasn't expecting too rigorous a discussion at this point.

Tim Chen: Yeah, thanks Steve. And you did ask for that, I apologize. So I could take the lead on that in terms of getting this into one useful document for the team and putting in the fifth draft. So I'll just commit to getting that to you by the end of my day time tomorrow and I'll make sure I connect to Chris and the rest of our team traveling back today from a conference.

But in the office all day tomorrow so I can definitely do that and (unintelligible) recommendations how to make the feedback process easier for our members because certainly want to get as much as well can, send that across to me and I'll try and manifest that in the document that I send out to you and to Chris.

Steve DelBianco: I'll make it easier for you. Once you've consolidated the docs, including Martin Sutton's update, send it back to me. I'll send it to the BC with instructions on how to comment.

Tim Chen: Great. Thank you.

Steve DelBianco: Any other - I see Elisa, you're in the queue. Go ahead.

Elisa Cooper: What are your thoughts on timing in terms of, you know, getting this information prepared?

Steve DelBianco: Well, Elisa, this one is due the 31st of January so we have our 14-day period. Today marks the beginning of all of the initial drafts so I do think that we'll take comments over the next 14 days and have this thing done by the 31st. I'm sure that's not what's meant by your question though.

Elisa Cooper: That's good.

Steve DelBianco: All right, thanks. Elisa, I don't see anyone else in the queue so turn it back over to you. Thanks.

Elisa Cooper: Thanks, Steve. So we have a couple of other items for any other business the first of which was Marilyn wanted to have a quick discussion about who we should invite to the cross community breakfast that Marilyn hosts at all of the ICANN meetings. It's always on the Tuesday morning.

In the past - for the past several meetings we've actually invited the Governmental Advisory Committee. But - and I think we've invited them for the past three meetings. But at any rate let me turn it over to Marilyn to lead a quick discussion on what some other options for groups we might invite to have breakfast with us.

Marilyn Cade: Thanks, Elisa. We have done the GAC for the past three meetings. And I think generally the satisfaction of the - all of the constituencies from the CSG has been very high about that informal interaction.

But in the past - and the (unintelligible) breakfast has also included interaction with the ALAC, with the ccNSO. And so I would just go back to a historical comment and that is that long ago and far away the initial purpose of this breakfast was to have breakfast with the Board.

We have had breakfast with the ICANN staff. So the categories - the groups have been Board, that has been replaced by the Board's preference to do other things. We had breakfast with the staff not for a very long time. We have had breakfast with the ccNSO and breakfast with the ALAC.

Our options - because we do need to have CSG concurrence - I think our options are probably something along the lines of the ALAC, the ccNSO, the GAC again, and, you know, that may be the strong preference of our members. And then something that's different that we haven't yet fully explored.

But the breakfast is informal. It's short as members will recall so it's about an hour and 15 minutes. It is on the ICANN budget so we do get - we don't have to pay for it ourselves. I coordinate it but it is a consensus across the CSG community. And we put out questions on the table and ask people to interact with whoever the guests are.

If we have a particular agenda item we want to advance with either the ccNSO or the ALAC I will just say the topics need to be strategic so that there's a mutuality that comes out of the meeting that is the advance a common goal. That common goal could be working more consistently with the ALAC on the issues of ICANN acting in the public interest or something of that nature.

But as you think about what your preferences are also think about the fact we're going to be in Singapore and we may - we may have limited attendance from some of the community groups. Thank you, Elisa.

Elisa Cooper: Could we - I mean, should we solicit input like who would - so for those of you who think you're attending the meeting in...

((Crosstalk))

Marilyn Cade: Right. Right. Very much, I'd like to hear comments from people even if it's preliminary and then maybe, Elisa, on the - you and I as the CSG reps should interact with the other two constituencies and throw out some ideas for them.

Elisa Cooper: Yeah. So any thoughts from folks in terms of who you would like to see us invite to this breakfast? Ron.

Ron Andruff: Thank you very much, Elisa and Marilyn. You know, the thought occurred to me, as Marilyn has historically noted who had been there - had meetings with us - I'm just wondering if there's any merit in us spending some time with our colleagues at the ccNSO.

We rarely have any interaction with them whatsoever and Canadian - or I'm sorry, Country Code Name Supporting Organization is an important part of the ICANN community so maybe we might build or refresh some relationships there. Just an idea. Thanks.

Steve DelBianco: Yeah, thanks. I'm always anxious to find variety and meet and work with new people. But I have to echo Marilyn's view that when it comes to relevance of the issues near and dear to us I can never get enough of the GAC so that's where my vote lies.

Elisa Cooper: I'll second that, Steve. I think, you know, my personal view is that it's difficult to meet with - if we were to ask for a more formal meeting with the GAC I think that would be one, difficult to get.

Two, it's difficult to have any like formal discussion with them in an, you know, more open public forum because they all need to confer with their own individual governments where it's when we're having breakfast with them, you know, we can sort of sometimes have side conversations and they don't feel that they're in the spotlight.

So I feel sometimes we get more information and they can ask for, you know, information from us. So my vote, too, would be for the GAC.

((Crosstalk))

Elisa Cooper: Thoughts from anyone else?

Marilyn Cade: Elisa, I might ask - I might modify my request for input in the following way. In the past we have sometimes actually had a dialogue with the ALAC. It's been years since we had a dialogue with the ccNSO. I don't mean at the breakfast. I'm not proposing breakfast right now.

Should we maybe be coming back into our next meeting and ask, you know, would we want to try to find other times - if the priority is for GAC for the breakfast would we want to find a different time where we could have a ccNSO or an ALAC discussion, exchange of views on issues? Because we have had - we have had those meetings before.

((Crosstalk))

Elisa Cooper: Yeah, I would be supportive - there is one issue that I think we should be taking up with the ccNSO and that is security - domain registry security. And the ccNSO actually held a very good session at the last ICANN meeting around ccTLD security. And that is really a hot topic for business actually because - I'll tell you that in the last year there were 23 - I think maybe even 24 ccTLD registry breaches.

And I think it would be good for us to see if we can find some time with the ccNSO to discuss registry security from a business perspective. So I think that is something worth pursuing.

Marilyn Cade: And I think if we had a topic that was mutual then, you know, we could - we could arrange a - I'm going to call it a round table, that's the wrong term, but sort of a, you know, exchange of views. And we could do that. We would just have to worry about the timing.

But the substantive discussion with the CCs I would say to others - I do think with Ron we do need to build our relationship with the CCs. And a topic like the one Elisa has raised could be a mutual topic, an area of mutual concern.

Elisa Cooper: So we've worked with some of the members from the ccNSO so I can reach out to them to see if there might be a round table discussion or a panel discussion similar to what was had at the last meeting.

Marilyn Cade: Right.

Elisa Cooper: So I can take that on. But I still would - my vote is still, you know, for the meeting with the GAC for the breakfast.

Marilyn Cade: So what I'm going to take away from this as the CSG rep and (unintelligible) so, Elisa, you're going to follow with the CCs on the possibility of a different time slot for a dialogue, a round table, whatever we call it. And then we are going to - you and I are going to present to the IPC and ISPCP - our recommendation is inviting the GAC to the breakfast again.

Elisa Cooper: I think that sounds right.

Marilyn Cade: Okay. Fantastic.

Elisa Cooper: Thanks. And I know that there was one final topic, Ron, you wanted to just do a bit of an update on where we are at with charter revisions?

Ron Andruff: Thanks, Elisa. Yes, I wanted just to let the members know that in Buenos Aires at one of the BC meetings I took the responsibility to kind of shepherd this - the work on that. And fortunately Andy Abrams joined me, John Berard joined me, Aparna had done a lot of work early on, Marilyn came in.

And so the work is not about 99% done. I'm going to be sending a copy - a redline version and a clean version to the list shortly. Hope to have it out before this week is out. Just wanted to let members know that that work has been done, that initial work. And then from this point on it'll be the larger membership will bring its thoughts to the initial work. Thank you.

Elisa Cooper: Great. Thanks, Ron. Well with that we are at the top of the hour so I want to thank everyone for joining today. And we'll be onto our regular schedule of every two weeks. So thanks so much and we'll talk to you all next time. Have a great day.

Ron Andruff: Bye, everyone.

Elisa Cooper: Bye.

Benedetta Rossi: Thank you very much, (Tonya). You can now stop the recording.

END