

ICANN

Moderator: Terri Agnew

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10:00 am CT

Terri Agnew: Good morning, good afternoon and good evening. This is the BC member call on the 7th of August, 2014. On the call today we have Andy Abrams, Elisa Cooper, Cheryl Miller, Jimson Olufuye, John Berard, Barbara Waner, Steve DelBianco, Ron Andruff, Angie Graves, Jim Baskin, Samantha Demetriou, Steve Coates, Martin Sutton, J. Scott Evans, Susan Kawaguchi, Phil Corwin, Richard Freedman, Zahid Jamil and Marilyn Cade.

From staff we have myself, Terri Agnew. I would also like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, Elisa.

Elisa Cooper: Thank you so much and thanks to everyone for joining today's call. As always we have - oh I do hear a very bad echo so if you are listening to the Adobe connect I would ask you to put that on mute until you speak.

As always we have a very full agenda so I want to start off and just give a bit of an update in terms of where we're at with elections. We are currently in an election cycle right now to select two members of the Nominating Committee, one for the large business seat and one for the small business seat.

And Glen sent out a notification that for the large business seat Sara Deutsch is running. She is running for that opposed. For the small business seat we have Phil Corwin and Zahid Jamil.

So we will be having a call on the 11th, that's on Monday. It will be an hour earlier than this call but it will be on Monday, to hear from the candidates. If you have questions for the candidates please send those questions in advance to the BC private list.

You'll notice one thing about this particular election is that we have much greater transparency that we've had in the past because I know that's something that members have asked for. So everybody will be able to see those questions in advance; we'll know who they're coming from. And the candidates will have the opportunity to answer those questions. And Glen will be moderating that call for us.

After that call Glen will be sending out an electronic ballot and so it will be different than what we've done in the past; it will actually be much more streamlined. I don't think there will be any confusion about, you know, who received the correct weighting and so forth, it's all done electronically.

So that is sort of where we're at with that process. Now we will be having an election to select our GNSO councilor shortly. They will begin their term starting really at the next meeting. So John Berard, who is currently our councilor, which the seat that's coming up for election, his term will end and we will, again, be selecting a new one and there'll be a whole election cycle for that.

So that's kind of where we're at with elections. Stéphane, I see you have your hand raised.

Stéphane Van Gelder: Yeah, thanks Elisa. Just wanted to ask about the NomComm election. First of all thank you for the increased level of transparency; I think

it's very welcome certainly by me. Are we - there was a whole snafu on the list about who was eligible for what. Has that been cleared up? Are we confident now that the candidates that you have announced will be running unhindered and that we will be seeing the election that you have described? Thank you.

Elisa Cooper: Yes. And thank you for asking about that. So I had sent out an email somewhere along the lines that said, you know, that three of the six ExCom members had agreed that Zahid was eligible. Part of that was due to the fact that not all of the ExCom members responded to my initial request. I did wait a week or so to hear from them.

But after that was sent out actually five of the six ExCom members believe that he is eligible. So it's five of the six - it was three of the six that was only because three of the six responded but now that we've heard from everybody it's actually five of the six.

Stéphane Van Gelder: Thank you very much.

Elisa Cooper: Any other questions about the election and how it will run? So you'll have a full week to respond to the ballot. And again that will be coming from Glen. And she will be sending that out on the 11th and that election, the actual election will run from the 11th to the 18th. And then by the 20th we will have the candidates announced by Glen.

So another thing that we're starting to take a hard look at, and I really want to thank J. Scott for his leadership here, I think we're on a great path forward, is we are working on really doing a thorough review of the current charter, we're sort of looking at it in pieces and J. Scott is taking the lead.

Now there, you know, there had been a group of other members who had spent some time on that charter so I believe it was Marilyn and John and Ron

and there may have been a few others. I took a stab at it at the very beginning.

At any rate, we're doing a new review and there's a group of people working on that. I don't know if - J. Scott, I know I think you're traveling so you may be on mute. I don't know if there's anything that you would like to add about the work that we're doing on the charter amendments. And I'm not even sure if you can speak because I know you told me that you were on mute and unable to speak possibly.

But we did engage Rob Hogarth from ICANN staff to help us through the process. So, you know, we're not headed off on the wrong direction and we'll do everything that we need to do to get our charter adopted once we finally agree as a group, everyone, to what those changes should be.

There are a couple of other things I just want to remind the members about. And one are these funds that ICANN has made available for members within your region to do outreach. These are the cross-funds. They're - I think there is - there are funds for up to five different trips that ICANN will cover. They envision that these are members that would be doing outreach within their own region.

So if you have an interest and you think that there is a conference or an event that you would like to travel to and that you would be doing active outreach on behalf of the Business Constituency and ICANN, please know that there are funds available for that.

There are some other funds that I want to tell people about based on the recently-approved budget. There is - ICANN has granted us funds of \$10,000 to conduct outreach. And I spoke with Chris Mondini and he is very much open to us working with him in terms of what we might do and how we might utilize those funds.

So again if members have ideas about how you might like to do outreach or events or, you know, different kinds of activities to do outreach for the BC those funds are available.

The other thing that ICANN has agreed to fund is participation from members that - I'm sorry, participation from business to participate at ICANN. And so there are funds for two individuals, not current members, to participate at the next ICANN meeting. These would be people that are within the business community somewhere around the world.

And I do have a call with (Janice) who runs the Fellow program because she's aware of many individuals that would be interested in utilizing those funds. And as I get more information I'll send that out on the list.

So that's all I had. Any questions for me about the election or the charter or these funds that we have available?

Marilyn Cade: Elisa, it's Marilyn. I have a - just a comment about the last item.

Elisa Cooper: Yeah, I see Zahid, you have your hand raised.

Zahid Jamil: Yeah, Elisa, can you hear me?

Elisa Cooper: Yes, we can.

Zahid Jamil: Perfect. Just want to say there's a lot of energy here in the Middle Eastern working group, we've been working on some things here for the last year which I've been actively participating.

And I think there will be people who don't necessarily come to ICANN meetings all the time but there's a lot of opportunity to try and get business folks who haven't previously been, you know, sort of connected with or get

them involved so I'd be happy to sort of talk to you or let me know where do I send the email maybe to the ExCom or somewhere else.

Elisa Cooper: Okay.

Zahid Jamil: Yeah, thank you.

Elisa Cooper: Okay that sounds great. Thanks, Zahid.

Marilyn Cade: Elisa?

Elisa Cooper: Yes, Marilyn, go ahead.

Marilyn Cade: Thanks. I just want to build on the comment that Zahid made. We've had a number of applicants to the Fellowship program from our business outreach and they never get approved. This is a really important unique opportunity for us that builds on the previous pilot we did when both Gabby and Jimson did work inter-regionally.

It would be great if we are able to identify leaders that then we can continue to work and nurture. Even though (Janice) will have a lot of applicants that identify themselves as business I think our experience in the past has been we also have a lot of contacts from developing countries and regions. And if we're going to bring two people to LA probably that has to be a priority to identify them so that visas can be arranged.

Elisa Cooper: And, you know, my preference is - and I don't want, you know, I'm concerned about us doling out favors to people and things like that. I would prefer for us to work with people that were interested enough to go through the process of applying for the fellowship so that would be my preference. So I do want to talk to (Janice) first.

And we can look - the entire membership can look at, you know, who those interested parties are. But I do want to be careful about individual groups within the Business Constituency or that sort of thing sort of doling out, you know, special favors.

Any other - oh, (Michelle). I saw you had your hand raised, (Michelle)? Okay maybe not.

All right so with that, let me turn it over to you, Marilyn, and if you can give us a bit of an update in terms of where we're at with the election of Board Seat Number 14, that would be great.

Marilyn Cade: Sure. Thanks, Elisa. This will be very quick. We've gone through the history in the past so I'm not going to repeat it unless somebody needs more of an update, which I can do in writing.

But for now the answer is, that we've had the election. Votes have been cast. And Markus Kummer has been elected with 10 votes for and 3 abstentions. And that means that he meets the threshold of 60%, that's a requirement of 8 votes. So the process of formally nominating - sorry, formally advising John Jeffery is being done by a member of the CSG Executive Committee and a member of the NCSG Executive Committee.

Glen, of course, who ran the election is also verifying the election to John Jeffery who is the General Counsel of ICANN and according to the bylaws needs to be notified. And then we'll do a due diligence. He will not do it but a firm will do due diligence on the elected Board member to make sure there are no conflicts of interest or blah, blah, blah.

We don't expect there to be any problems so we should have formal notification - Markus has been informally notified of the outcome of the election. And we should have a formal announcement coming up soon. Markus will be seated at the end of the annual meeting but the custom is that

once elected the Board member becomes a shadow participant in the work of the Board. So he will be expecting to attend the further retreats, etcetera, sort of shadowing Bill. Bill will step down at the end of the annual meeting.

I'm just going to take this opportunity to suggest - and we haven't had a chance to talk through this at the ExCom level, but I think it would be good if the BC and the IPC and the ISPCP create a little bit of a recognition of Bill in our Sunday morning and thank you to Bill Graham for being such a committed Board member in our Sunday morning session.

But at last we have a candidate that has been elected. And Markus, just to remind everybody, made a commitment to individual constituency calls so I'd just like to park that thought for us to plan to do a call with him before the - well before the LA Board meeting.

Elisa Cooper: Thanks, Marilyn.

((Crosstalk))

Marilyn Cade: If there are any questions I'd welcome them.

Elisa Cooper: It doesn't seem like there are so thank you, Marilyn. Let's turn it over to Steve. I know we have a lot to talk about especially around ICANN accountability so, Steve, over to you.

Steve DelBianco: Thanks, Elisa. I sent a policy calendar yesterday that'll make it very easy to follow along. The first items that we filed recently. One is on Whois requirements and how they conflict with national law. Great work by David Fares and then Andy Abrams and Steve Coates. We came to a good compromise.

We were two days late for the filing, which is so ironic because we all had the comments for three weeks as opposed to just two weeks. And as usual the best input comes in near the end.

Having said that I wrote to staff, Karen Lentz, told her we would be a few days late. And she said fine, they would still take our comments into account. Thanks to David, Andy, Steven and others for pulling that together.

The second was the .wed gTLD Registry Agreement. They have pursued an amendment in order to sell third level domains. We discussed this on our last call. And J. Scott Evans gave us a great first draft of questions, comments and questions really from the BC.

It wasn't a new position as much as probing questions about the extent to which rights protection mechanisms would be enforced on this registry's sale of domains at the third level. And that is within second level domains that the registry itself proposes to control, right, inside of .wed like dresses.wed, cake.wed. To the left of cake.wed they would control it and we want to be sure that RPMs applies to trademark clearinghouse - trademarks to the left of that second dot. Those were filed as well and again thanks to J. Scott.

I'll stop there. Are there any comments or questions from members about these first two items that we had filed?

Marilyn Cade: It's Marilyn. I just have a quick question for you and others.

Steve DelBianco: Yeah, go ahead, Marilyn.

Marilyn Cade: I was really pleased to see - Marilyn Cade for the transcript. I was really pleased to see our responding on the .wed issue because I was concerned about this becoming a precedent. And, you know, perhaps it's just something we need to watch in the future and see if in fact it does become more of a

precedent with some of the other applicants. And then flag this, Steve, for concerns about the next round whatever it is.

Steve DelBianco: Yeah, great point. Thank you Marilyn. And precedents themselves are going to be troubling. Remember that the .wed registry operators, the one who's going to operate the second level and sell the third level. If instead I had bought cake.wed then I am free to sell everything to the left of cake.wed and I'm not signing any agreements with ICANN, I'm not bound by any RPMs.

So it's ironic that the registry operator, because they will manage the third level, are finding themselves bound by certain elements in the Registry Agreement that they relied upon. This is going to be a troubling spot for the future.

Let me turn to the third item, the BC filed extensive comments to ICANN, both the process and substance, of the ICANN accountability track. And the BC has probably been the leading voice suggesting that giving up the IANA contract creates a huge accountability gap before I can and it's a gap that has to be addressed. Everyone seems to agree with that from the Commerce Department, to ICANN's CEO, along with all other AC and SOs.

So having said that, we were anxiously awaiting management plan on the accountability track. We had some previews of that. Marilyn and I reported on the dinner we had with Fadi two weeks ago. And the documents that Fadi produced for the SO and AC leaders call on August 4, and this is the one that Elisa distributed, and I attached to the policy calendar.

That little one-page document it tracks pretty closely with what Fadi had told Marilyn and I. But I did want to suggest that there were two objections that Marilyn and I registered at that dinner with Fadi, and I wrote this all up to all of you.

We suggested that the BC would want stakeholder groups to have representation. Fadi's plan ignores that. He only gave stakeholder group participation on the big assembly, which is the left circle. The stakeholder groups are thrown to the side on the group that will actually make decisions and that's the right-hand circle. In their the entire GNSO gets one seat and that is not in keeping with the BC position on accountability.

The second is the BC is on record as not welcoming having the Board to impose outside experts. We believe that if they working group wants outside experts it ought to be able to ask for them and we'd be grateful for ICANN to provide support and experts that can help.

But on both those counts the plan that management put forth goes against what the BC has written and the comments we submitted on June 25. So I'll stop there and take a queue on questions. And, Elisa, of course you were on the call and have read the transcript, if there's any other color you'd like to add please do.

Elisa, did you want to go first or have me go right to Phil?

Elisa Cooper: You can go to Phil. I do want us to discuss whether or not we want to participate in sending another joint letter. The registries have reached out to us. I would like to the - I would like for us to get some feedback from the entire BC to see what their thoughts are. But I know Phil has a lot of thoughts. Let's hear from Phil.

Steve DelBianco: Phil, you're up first.

Phil Corwin: Thank you. Just to be brief, and I communicated this in writing the other day. When I saw this graphic my immediate reaction after analyzing it was quite negative. This ICANN executive staff has proposed here to create two groups, one of which is a broad membership discussion group.

But then all the real decisions are made in this other group in which there is not adequate representation of the stakeholders and where ICANN Board gets to appoint up to seven experts of their own plus another expert on AOC ATRT, and a Board liaison.

This process, one, by bifurcating it, by not having the final report and recommendations made by the stakeholder group, it unnecessarily complicates this. It increases the time it's going to take and increases the possibility that the accountability process will start lagging so far behind the transition that I don't care what they say now but I wouldn't be surprised to see statements coming out late next spring, early summer that the transition must go forward and that the accountability process will keep being worked on.

Second, I'm about to - there are some very good proposals for enhanced accountability circulating in Washington. And I don't think Washington has a monopoly on good ideas in this area. But they propose some very sweeping changes on accountability that require changes in Board composition, in the bylaws.

And I don't think if we accept this proposal we're ever going to see anything that strong that they've set this up to water down any recommendations that come out of this discussion group, the so-called community assembly.

So I would hope we would join with the Registry constituency and hopefully - and Registrar and hopefully other ones - I guess it was Registry - who have raised objection to this and say that this proposal is not acceptable to the community within the GNSO.

Steve DelBianco: Thank you, Phil. John Berard, you're next.

John Berard: Thank you Steve. Can I be heard?

Steve DelBianco: I hear you.

John Berard: Thank you. You know, often we - this is John Berard - often we file comments objecting to things that are about to be done. Within the context of the comment (unintelligible) we offered what I think is a provocative idea for something that could be done which is the standing cross community committee on accountability which extends beyond the GNSO and I think makes it a perfect metaphor for the practice of accountability.

I wonder if there is some way for us to elevate, extend, promote that idea in the current environment where people are looking for ways to bring a little sanity to the process.

Steve DelBianco: Thank you, John. Any other members want to comment on the latest outcome on accountability? J. Scott in the chat has said we need to keep the pressure on and demand a process that gives business a strong voice in the debate. And begin the BC unanimously approved two comments that are relevant here.

The first comment was appointment of experts and the other was that each stakeholder group ought to have representation in the decision-making authority. I don't think it's adequate to be part of a big broad assembling a complete percolates ideas, and percolate was Fadi's term. If they percolate ideas they have nothing to say about the actual vote.

And if the GNSO has only one vote in the decision-making group that is not a strong voice for business. I don't see anyone else in the queue but I did hear Marilyn...

Marilyn Cade: Steve?

Steve DelBianco: Marilyn, go ahead.

Marilyn Cade: Thanks. But I think I heard somebody else also.

David Fares: Go ahead, Marilyn. It's David, I'm not at my computer but if I could get in the queue after you.

Marilyn Cade: Okay great. So two points. I'd like us to take note of the fact that the public - sorry the analysis of the public comments has not yet been - the summary and analysis has not been done that was promised to us.

And at the informal dinner that Steve and I were at that we reported on, the - this issue was strongly reinforced to Theresa and Christopher Mondini and Fadi by all of the attendees at the dinner. That summary really has to be prioritized and made public before decisions are taken. So I just want to - I just want to reinforce the importance of that.

The second thing I would say is I really do think a collaborative approach is what is needed here. Accountability is much more than just the accountability about the stewardship of the IANA process that we said over and over and over.

And we didn't get the kinds of changes, at least I didn't see the kinds of changes, in the graphic that I would have expected after the transcript that Elisa shared with us and the concerns that were shared and the comments that Steve and I and Metalitz, Kristina, and others shared at the dinner and that I believe Fadi heard in face to face meetings during that two days in Washington.

So a collaborative approach would be really good. I do think there's a little bit of a rushing ahead that Fadi is engaged in possibly because of the upcoming IGF meetings where he may be looking to have announce that certain processes have already been launched while the community at the IGF is expecting there's still to be an open dialogue about some of these processes.

I want to come back, Steve, a little bit later and talk about an update on the Coordinating Committee and some input there that we may need to provide as the BC. But pursuing a collaborative approach is a high priority, really pushing the idea that the summary has to be done and published before decisions are taken also seems to me to be a priority.

Finally I'll just say that among the ideas floating around are also ideas being - or approaches for accountability are also ideas being put forward by some international groups and also perhaps reflecting the (unintelligible) working group and maybe we need to also be forming a small discussion ourselves to analyze some of these different solutions, not now but after we reach agreement on what the right approach would be for the group influencing or guiding the development of accountability options.

Steve DelBianco: Thank you, Marilyn. David Fares.

David Fares: Yeah, just to be very brief. I just wanted to support what J. Scott said. I think we need to maintain the pressure and ensure a robust response to our request for a strong accountability regime. And unfortunately I've got to drop off now but thank you.

Steve DelBianco: Thank you. Appreciate it, David. I see one other in the queue. Elisa Cooper, please.

Elisa Cooper: Yeah, I think, to sort of bring it up a level for members, I think there is sort of a desire to sort of go back to our standard cross community working group and, you know, what was being proposed is something new and different and it's not that cross community working group. And I personally think that staff was looking at comments that were submitted around this desire to also have experts participating.

And I think that sort of how they came up with this approach where you had sort of the community doing some of the work and then you had - on one side

and then on the other side you had experts that were appointed because, you know, they were experts.

And I think that's where there is basically a conflict. How do we have both participation from the community but also ensure that we have true expertise. And I think that's - I think that is what - is probably in the best interest of everyone notwithstanding of course we want to have a strong voice for business but we also want to have experts involved.

So I think the question is how do we - what are our thoughts? How do we convey it? Sort of where do we go from here?

Steve DelBianco: Elisa, it's Steve. A question for you: I was unaware that the Registries, are they preparing another proposed draft letter for joint submission right now?

Elisa Cooper: That I don't know. I mean, I forwarded on the letter that I received from Keith Drasek. I'm sure that is his intention. But I'll...

Steve DelBianco: If we don't have something for this call, Elisa, as soon as you get something would you please circulate it and we'll all have a chance to weigh in. And I'll be able to link to the comments we submitted on June the 25th because they may well have bearing on what we would agree to.

Elisa Cooper: Yeah, I will...

Steve DelBianco: Anyone else...

Elisa Cooper: ...send it as soon as I receive anything. I don't know that he's preparing a letter but of course whatever if he sends something I'll send it.

Steve DelBianco: So, Elisa, in case he doesn't prepare a letter, the BC - I did listen to the transcript and the BC is on record about the outside experts and that each SG, not each AC/SO, should have representation. And it might be an

opportunity I could work with you to cite those earlier approved BC comments if you think that Fadi and Theresa are desperate to get feedback right away. What's your sense for the timing on that?

Elisa Cooper: Yeah, no they want - I think they're looking for feedback right away. However, I think they'll say, well, look, we've actually called out and given you up to four seats to cover each SG and that's on sort of on the left circle. So I think we have to be very careful about what we're asking for because they may be able to point at what they proposed and said well we've already done that.

Steve DelBianco: Right, Elisa. And that happened on the call. And we can't let it happen again since this is just a shell game. By giving a broad group great representation but no decision making and then putting the decision making to a place for the entire GNSO just gets a single vote that is directly in opposition to the BC's position. So we don't want to be trapped into saying that the left circle should satisfy. I think you would agree, right?

Elisa Cooper: Oh yeah, I agree.

Steve DelBianco: Okay great. All right...

((Crosstalk))

Steve DelBianco: ...something carefully. Elisa, I will take your guidance and set an AC/SO call leaders only. Please try to figure out from Theresa how quickly they're looking for something in writing from us. And I will be happy to draft something that just draws upon things we've said before.

Elisa Cooper: Okay.

Steve DelBianco: And I see Phil Corwin in the queue as well. Thanks, Elisa, appreciate it. Phil, last one on the topic. Go ahead.

Phil Corwin: Yeah, I just want to make one final observation on this. When the ICANN staff originally proposed separating the transition process from the accountability process. The rationale was that the transition process had to be determined by the entire Internet community but that the accountability process was to be determined within the ICANN community and its stakeholders.

I never bought that rationale because ICANN is so open to anyone in the broad Internet community. But that was their rationale.

And now they've proposed something which really waters down to the maximum extent the ability of the ICANN community to make the policy recommendations for greater accountability.

So this does not instill confidence within their (bona fide) on this issue and again I support all the calls for saying that it's not an acceptable approach.

Steve DelBianco: Great. Thank you Phil. Let's move on so I can get my part done in time. There are two open public comments right now at ICANN.

The first is the registries proposal to allow two character domain names and lots of new gTLDs. It was something like this at our last call but this is a separate batch.

This batch contains 20 TLD streams from TLD holdings (unintelligible) company four more from Donuts.

TLDH has top level domain names like .dear, .surf, .wedding and .work and Donuts has domains for .pizza, .restaurant and .gifts.

And so what they're proposing is the allowance of two character domains in all of those TLDs. The BC did not comment on the prior set of two character.

We discussed it briefly on our earlier call and we're aware of very few BC members who happen to possess trademarks that were only two characters long.

We're very conscious of the need not to step on the country code domains. And I believe that each of these requesters will not try to delegate any country code names at the third level.

But I'll stop there. Are - is there interest in the BC to file a comment? And do we have any volunteers?

It's Marilyn, Steve. I have a question.

Steve DelBianco: Go ahead Marilyn.

Marilyn Cade: Do we know what the GAC thinks about this?

Steve DelBianco: I personally do not. And I have not seen anything in writing from the GAC. And again if these applicants are proposing to reserve all of the country codes...

Marilyn Cade: Right.

Steve DelBianco: ...names at the third level - at the second level then I don't know that the GAC has too much to be concerned about.

Marilyn Cade: Right.

Steve DelBianco: But I don't know Marilyn. Do you happen to know?

Marilyn Cade: I don't. I can send an email to Keith Davidson and ask him what the country code managers think about it and just do that real quick and...

Steve DelBianco: Yes. Would you do that since you have a relationship there? Let me recommend that you cut and paste from my policy calendar so that it will contain a link to the actual comment at hand? And do your best to see if they will give you an opinion. Thanks a lot Marilyn.

Marilyn Cade: Sure. Will do.

Steve DelBianco: Ron Andruff, Ron Andruff you're in the queue. Go ahead.

Ron Andruff: Thank you (Steve). I just would like to know what the negative externalities of two letters would be? And if anybody has any thoughts on that or any comments because I don't know how this would impact anyone?

I haven't had a chance to even give any consideration to it but perhaps others have. Thank you.

Steve DelBianco: Ron keep in mind what I mentioned earlier that if any of our members had a two character trademark that of course would impact them directly but other than that there hasn't been a lot of BC concern over this.

Marilyn just indicated we want to be sure they're respectful of the country code. That would be a negative externality. I'm not aware of any others. And I do see in the chat nobody else coming in on this. So Ron I think the answer to your question is not too much. Elisa you're the queue. Go ahead.

Elisa Cooper: Well I think for business one of the negative things that could happen is if it is a match to a ccTLD is that it is then sold off.

So it's basically registered and then it's turned into sort of a third level registry like we see with central (nick) where, you know, they've register things like co.com or, you know, cn.com.

And then basically it put brand - it puts brand owners in a terrible position where they're forced to protect even larger name spaces that have no protections at the third level. That's the negative thing that can happen.

Steve DelBianco: And that would be with a country code Elisa?

Elisa Cooper: Or with something that looks like a country code.

Steve DelBianco: That looks like a country code. I'm aware of us.com for instance selling thousands and thousands of names to the left of that.

Thank you Elisa. Susan Kawaguchi in the queue.

Susan Kawaguchi: So I have not read this. And I will read it. As long as they're allocated fairly I think, you know, I mean I do follow the two letters and pick those up where I can with FB, fb.co.uk for example.

And what - and having not read the proposal, you know, I'm not sure what's in it. But what is fairly irritating is when it's offered to the brand owner at an extreme registration fee. And then when you refuse that then it just goes for a minimal registration fee.

So as long as how they are allocated or allowed to be registered is fair and equal to everyone then whether that be an auction or whatever then I am fine with it but...

Steve DelBianco: Susan it's more complex than that. There are actually seven different registries in this batch right I only mention two of them Donuts and TLD and each of them has different rules.

They're fairly consistent on avoiding the country codes but they're not necessarily consistent on things like RPMs or auction.

So I would encourage those of you who have concern for negative externalities and an awareness of trademark concerns Marilyn with respect to governments please read that. I have a link in the policy calendar. The link is right at the end of the line.

Susan Kawaguchi: Right.

Steve DelBianco: So we have initial comments by 13 August. And I realize that's just several days a week away but in fact we have another couple of weeks after that for reply comments.

So I've noted that there are several of you who have an interest in this topic. And you can bet that I know where to find you. Thank you.

Susan Kawaguchi: Okay.

Steve DelBianco: Okay. The next one is the draft roadmap on universal acceptance of TLDs which almost always an issue with IDN TLDs the Internationalized Domain Names or non-Latin character scripts because it's one thing to put them into a zone file in the root but it's another thing entirely to have your email software work with it, to have your mobile phone software work with an IDN email address or an IDN TLD.

So acceptance is a software issue with the roadmap not a policy document as much as a promotional document.

Reply comments are due in just a few days. The comment period is nearly over. Unless there are any BC members wanting to do something quickly we will not comment on that.

Great. Thank you. I wanted to do things over to John Berard to talk about channel two on council. And when we're finished with that I want to come

back to the issue of sunrise periods on the collision blocked list and singulars and plurals, John Berard over to you.

John Berard: Sure. Thank you (Steve). With regard to the council (Dave) and I had a call yesterday just to confer they're essentially are three things that should be on (unintelligible) agenda.

The first one is the continued discussion about IGO and INGO protections. I forwarded a - the text of a letter that the council was sending the board which also captured the history.

This is important not just for the purposes of the application and potential extension of the application and protections rights protection mechanisms for IGO and INGO names and acronyms but also for the precedent that it is setting.

This action is driven by the board trying to navigate the unanimous consensus policy delivered by the GNSO and GAC advice.

They are - they diverge the board continues to probe for ways to bring that two close enough together so that it doesn't have to pick one of the other or seem to be picking one of the other which could be a political problem.

And as I said could establish a precedent for dealing with the divergence of consensus policy particularly when it's unanimously passed and the GAC advice, so keep an eye on that.

The other two things that I'll mention I have no idea if they're going to be on the agenda other than as discussion items but I would encourage BC members who have an interest to participate as some of you already have in the GNSO review.

It was the instigation of the GNSO council that has moved it as far forward as it has come. Initially there was a suggestion from the board that it be delayed. It's not being delayed, it's moving forward.

And I think it's an important exercise. So for those of you who can and have an interest I would encourage you to participate.

The other is the GAC liaison initiative of paying particular attention to that. This is a - I won't say groundbreaking because I don't have the historical background to be able to confirm that but it strikes me that the willingness of the Government Advisory Committee to embrace a liaison from the GNSO is incredibly important.

If you have seen the job description you'll see that it is a tremendously involved likely very time consuming effort.

It is an underwritten relationship but still will require a fair bit of effort and attention from whoever gets selected.

And anyone and I know that there are a couple people from the BC who have expressed an interest I just and I know that they've been moved forward.

I'm not asking for people to volunteer but I am asking for people to keep an eye on that because my feeling is that whoever that liaison is will benefit from the support that we can give him or her going forward.

I guess if there's a fourth item it's this emerging conversation discussion group working group I don't know that it's accurately labeled yet on the aspects of new rounds of new gTLDs whether it's around or just an open door is to be determined but that discussion is underway now too.

And if you have an interest in participating you should jump in now at the - on the ground floor. That's pretty much all I have. And I'll take any questions the people half.

Steve DelBianco: Ron Andruff's hand is up. I don't know that you can see the hands John so I'll call on them for you.

John Berard: What's on your mind?

Ron Andruff: So thanks (Steve) thank you very much John for the report. Just with regards to the GNSO review Stéphane Van Gelder and I are representatives of the BC on that group. And we just fell off a call literally prior to this one.

I wanted to let you know as I circulate the list I think a day or two ago a link to the survey - the survey has now been published.

And there will be some Webinars. And that email also noted the Webinar dates to give anybody explanation and how to walk through it whatever is needed in terms of the Webinar. That's going to happen now through September.

On the call today we recommended that we extend the date. The closing date was around September 8. And we've recommended that we move that at least another two weeks because of the holiday period and so forth.

So it's really important that we get as many people as possible to weigh in on this survey. That will inform the independent reviewers as to how the community is feeling about various elements of the GNSO as a body, and how we're functioning and how we can make improvements.

So I would just like to encourage everyone to please reach out and have a good look at that survey, fill it in, it takes about a half an hour but it's really valuable time spent because the - as we know there are many things that

don't work so well within the GNSO we would like to improve. Thanks very much.

Steve DelBianco: Great. And if you're finished John Berard we'll quickly recap. I'll finish up the policy section now and that is that Susan Kawaguchi is very active on Whois and has offered to host a call with BC members interested in privacy and proxy service accreditation.

And Susan and I will circulate the potential times for that. We're looking to see what the BC members have experienced with privacy and proxy services and want to weigh in the specifics. Now Susan anything you want to add to that?

Susan Kawaguchi: Yes. All of the - your input would be really helpful. I know there's several people from the BC on the PTSAI call for the proxy.

And - but it's not at the moment. It's - the work is not going in the right direction in my opinion. The registrars are really being heavy handed about not relaying messages, taking very little responsibility and we haven't even gotten to the reveal process yet, you know, to discuss that.

So, you know, it - I think it's just unacceptable that a licensee of a domain name using the proxy registration should receive no communication via email at all.

And that is the state of most proxy vendors right now they allow that. And they would like to continue that. So any input...

Steve DelBianco: So Susan, yes Susan we don't have time for the input on this call but let's set up a call...

Susan Kawaguchi: Right.

Steve DelBianco: ...maybe this time next week. And to motivate attendance I would really benefit if you're able to send a note BC-private where you put in writing a few of these concerns and maybe link us up to the wiki and the draft report...

Susan Kawaguchi: Okay.

Steve DelBianco: ...and minutes of the calls.

Susan Kawaguchi: Okay.

Steve DelBianco: That would be fantastic.

Susan Kawaguchi: Will do.

Steve DelBianco: So thank you for your leadership on that. Let me next turned to the issue of collision names. Remember that trademark clearinghouse names that happen to be blocked because of collisions were not subject to sunrise. When we had our last call the BC was preparing to respond on a draft letter that Andy Abrams had put together.

Then we received outreach from the IPC and the registries where the - we came together and proposed to ICANN staff that - and ICANN management that they recognize our ability to solve this problem.

And it was one of these rare moments of unity with the registries as well. The actual board new GTL Program Committee met on this on July 30. And they adopted a resolution for collision management.

This is under channel four in my policy calendar. And their resolution and again this is a great resolution for us because it tells the president and his staff to consult with the community for the next 90 days to address rights protection mechanisms for names that are included in an alternate path.

So they are saying to us okay you've got 90 days to come up with a solution. So now the burden is on us to get back in there with the IPC and the registries to come up with a policy.

Elisa do you have anything to add to that in terms of your interactions with IPC and registries?

Elisa Cooper: So this is what I know. (Cyrus) was on a call with the registries. And in that call with the registries this occurred just a couple of days ago he indicated that staff is going to publish a paper on this on or around August 25 and that there will be a public comment period.

So I think that we'll look for that paper. And we'll obviously want to participate in that comment period.

Steve DelBianco: Will staff use the joint letter we submitted to create their paper?

Elisa Cooper: Well I mean in the motion that the board approved they did make reference to it so I would be hopeful that they would but I guess you never know.

Steve DelBianco: Maybe that's something we could confirm? I'll work with you on that. Maybe we want to confirm that instead of us sitting on our hands until August 25 we will have used up 1/3 of our 90 days if in fact they don't even pay attention to our letter.

Okay? All right one other item to Ron Andruff, and I and John Berard have been working for years now on the affirmation of commitments regarding new gTLDs and whether the new gTLD program has enhanced consumer trust, choice and competition?

There was a group on consumer trust choice and competition that just concluded several months of work in trying to refine the risk of metrics.

We have 70 something metrics. Ron is co-chair of that group. We held another call yesterday. We have a draft report which won't go to the public comment but will simply be reported back to the GNSO.

And Ron after this call would you circulate that to BC-private along with any other input you want to add so we can get BC member feedback prior to discussion.

Ron Andruff: Happy to do so (Steve). Thanks.

Steve DelBianco: Thanks. Thank you Ron. Andy Abrams I am done, if you want to say anything about the state of affairs on singulars and plurals now that the board has responded with the letter?

Andy Abrams: Thanks (Steve). I know we're low on time so all I'll say is that, you know, we fought the good fight for a long time. I think we're pretty much at the end of the line.

It doesn't look like the board is going to open up any sort of appeals process certainly beyond those couple of strings that they - that had the specific inconsistent decisions.

But I know that - I think this has been enough of an embarrassment and enough people have raised it certainly the BC has been a leader on this that hopefully it will have some impact for the next round at the very least but we'll stay tuned for that.

Steve DelBianco: Thanks Andy and thanks for all your great writing on this topic. That's it Elisa, back to you.

Elisa Cooper: Thanks. I want to turn it over to Jimson for an update. And then I do want to handle an item under any other business that is before the executive committee but I think it would be easier and better for all members to be

aware of it and that we can just close out on it right now. So Jimson let me turn it over to you.

Jimson Olufuye: Okay thank you Elisa. Just quickly I believe we've all seen the reports and I want to mention two items.

Firstly to thank all the (unintelligible) and to encourage those that are working on their (unintelligible) to please (unintelligible) because of course (unintelligible) I think is important with regard to upcoming working.

And secondly we require feedback. The finance committee requires feedback on the second on the recommendation so to explain the (unintelligible) till June in compliance with ICANNs. Thank you.

Elisa Cooper: I'm sorry Jimson can you repeat that last phrase? I didn't catch that.

Jimson Olufuye: Okay. So the second point was that the finance committee made a recommendation and asked for...

Elisa Cooper: Did we lose you Jimson?

Woman: Hello.

Elisa Cooper: I'm still here. I think - did we lose Jimson? Oh Jimson's line is disconnected. Okay he is being called back now. So while he's being called...

Woman: Elisa sorry.

Elisa Cooper: ...back I would like to just raise an issue...

Jimson Olufuye: Hello Elisa I'm back.

Elisa Cooper: Okay good.

Jimson Olufuye: The line just went off. So the second point I was making with regard to the FC the finance committee's request for member feedback on their earlier recommendation on the expansion of the 2014 BC (unintelligible) here which normally runs from January to December and now to extend to June 2015 to be in compliance with ICANN and to ensure that we are in sync with many issues we are handling and to announce with ICANN. So that's the second point. Thank you.

Marilyn Cade: Yes Elisa it's Marilyn. I'd like to get in the queue to ask a couple of clarifying questions on that point?

Elisa Cooper: Okay. Yes go ahead Marilyn.

Marilyn Cade: Thanks. I just want to commend Jimson that the finance subcommittee who you've noted there Chris Chaplow, Angie Graves and Anders Halvorsen for their continued work with you and I.

I know you'll be happy to get back having a Secretariat to also do some further administrative work but this is a very helpful summary report.

And I want to support the idea of changing the financial timeline. It's been discussed in the past and proposed by not only this financial committee but a couple of others before.

But I want to just raise a clarifying point and ask you to verify my understanding. Right now we have €56,000 in the bank and we're going to be receiving a number of additional membership payments.

So by making this change and changing the period later we would in essence give the existing members a little bit of a break on the dues not change the dues announcement - amount but it would give members that are members already I think a kind of a six month bonus or credit which sounds like - okay

I'd like to endorse that idea to the membership because that allows us to not change the dues but it does give existing members a benefit. And then the issue of whether there would be a change in dues in the future could be further studied and assessed.

Elisa Cooper: Thank you Marilyn. I think that's very helpful. If we can I do want to cover one last item so is that okay Marilyn?

Marilyn Cade: I'm sorry I just wanted to be sure - I thought I heard Jimson say that my assumption was correct. I just wanted to verify that for the record.

Jimson Olufuye: Yes very correct. And thank you Marilyn for the clarification and for the comments. That is exactly as it is yes.

Elisa Cooper: All right - I do want to thank you Jimson that's an excellent report. And it's I think very helpful for members.

And I know that one of the key points on the report that you sent out does show us who is eligible to vote in this upcoming election which will officially the election part will begin on the 11th.

And one of the ExCom members has raised a concern about the fact that -- I'll be transparent it's me -- Thomson Reuters has decided to become a voting member in the BC.

And just so you know I feel that, you know, because I do spend a tremendous amount of time and this is really where our focus is one of our subsidiaries which is MarkMonitor had previously been a voting member in the registrar constituency and they had always been one.

And we Mark - basically Thomson Reuters because I am actually a member as Thomson Reuters. But before that as MarkMonitor I had never voted and MarkMonitor had never voted in the BC.

But because of the fact that I have the leadership position and I spent so much time I really do feel that probably is in the best interest of everyone for me to be a voting member.

And so there was some concern about whether or not since I made this change just last week whether or not I would be allowed to vote in this upcoming election.

And so I did want to bring that before - this is really kind of for the ExCom but I think it's good for all members to be aware.

And I guess I would just ask the full membership and including the ExCom if there are any concerns about changing our voting status from the registrar.

So basically MarkMonitor is no longer voting. They've relinquish their voting rights. And Thomson Reuters even though they're actually separate companies Thomson Reuters which I am a member of that company will be taking on a voting position.

And I guess I wanted to put it out even really to the full membership to make sure that nobody had a concern about that.

We've never switched before. This is the only time we've made that switch. And like I said it's I think some of it was actually spurred by the fact that some of the charter revisions are saying that what was being proposed in the charter was that a nonvoting member could not hold an elected position so to be honest that's kind of what spurred this decision. So at any rate if any - does anybody have any concerns about that?

Marilyn Cade: Elisa it's Marilyn. I do. And I'd like to explain what they are.

Elisa Cooper: Sure Marilyn. Go ahead.

Marilyn Cade: So I certainly think it's fantastic that Thomson Reuters will be moving to voting status. We only have I think six or seven nonvoting members and that happens because members need to choose.

But my concern is not about changing the status but that we need to have a kind of a guiding rule that once an election process opens and that opens with nomination we have not in the past added new members until after the election period was completely over.

That was a past practice. And my suggestion to the executive committee was that we of course welcome a change in voting status but that the voting status change needed to be done when there was not an open election process.

And according to our rules the process the election process does open with the nomination. So my concern expressed to the (unintelligible) committee was that we just need to have a guideline that effects all members not that a large member like Thompson would be switching back and forth but we have had a situation in the past where we could run the risk of members - of companies applying to join the BC just to participate in an election or changing their voting status just for a particular election.

And all elections are sort of created equal in there impact as far as business constituency is concerned. So that was my concern both welcoming the idea that the fact that Thomson Reuters would be becoming a voting member but suggesting that voting status needs to be changed outside of an open election period. Thank you.

Elisa Cooper: Okay thank you Marilyn. I see Phil you have your hand raised. Also I'll just mention that the charter actually says nothing about this.

I agree we can change this and add this into the charter in the future. In my opinion the election has not opened. It opens on the 11th. That's when the actual election period begins.

But I see Phil you have your hand raised. Phil.

Phil Corwin: Yes Elisa I wanted to speak on a related issue to voting. I noted from the report that Jimson distributed this morning that of our 53 members of the BC only 34 are currently paid up and eligible to vote when the voting period begins on Monday the 11th.

That means 37% of the constituency is not eligible to vote. I wonder if any steps are going to be taken to communicate to them immediately.

I would urge in the next 24 hours to remind them that they're in the rears on their 2014 dues. And if they want to participate in the election they need to make immediate arrangements to pay.

Because I just, you know, I think basically we should try to maximize enfranchisement of BC members and participants in elections and it's somewhat disturbing to see that an election will be decided with more than 1/3 of the membership ineligible to vote as of Monday if they don't change their status in the next three days.

Elisa Cooper: Yes. I think that I totally get that. And I think if Jimson has the bandwidth to notify those members that would be probably a great idea.

Marilyn Cade: Sorry Alyssa it's Marilyn. I hope I don't know if (Chris) is on the phone but I need to make a clarifying point here. We have not sent the second notice to members.

And I raised that within the ExCom. Technically members are not in the rears until they receive their second notice.

And so I'm not sure why this determination was made since we made a decision not to send the second notice until we got the Secretariat on board.

I'm not sure and maybe the ExCom should take that up off line and assess that but I'm not sure that that's a factual that would be an interpretation that I agree with.

If the member has not gotten the second notice according to the charter I don't believe they are in the rears.

Elisa Cooper: Well we've sent out in already a couple of times lists of eligible members so they actually would have already received multiple notices I believe that they are not paid up.

Those lists went out to the BC-private list. But I don't want to really argue about that. And I also know that we're eight minutes over which as I think you all know is not my practice.

I guess what I would ask is if you have an issue with frankly me changing my voting status if you just want to send it to the BC-private list we'll take it out on the list.

So with that I want to thank everyone for participating today. I appreciate all of your continued support of the business constituencies.

And I would encourage you again to send any questions for the candidates to the BC-private list. And also I would like to just remind you that that call is scheduled for the 11th.

So hopefully we'll talk to you all then on the 11th and we'll be meeting again in a couple of weeks. Thank you so much.

Man: Thanks everyone.

END