

ICANN

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

Coordinator: The recording has been started. Please go ahead.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the BC conference call taking place with us on Thursday, the 12th of June, 2014.

On the call today we have John Berard, Elisa Cooper, Jimson Olufuye, Marilyn Cade, Cecilia Smith, Steve DelBianco, Andy Abrahams, Claudia Selli, Samantha Demetriou, Laura Covington, Susan Kawaguchi, Judy and Ron Andruff. We have no apologies so far.

From staff myself, Terri Agnew. I would also like to remind all participants to please state your name before speaking for transcription purposes. And, J. Scott Evans just joined us as well for roll call.

I'll now turn it back to over to you, Elisa.

Elisa Cooper: Thanks, Teri. And thanks to everyone for joining today's call. We have a very full agenda. So want to start off by diving into a couple of administrative issues around a working group and then also this coordination group for the IANA stewardship.

I know that there were eight of you that have expressed interest in participating in the Enhancing Accountability Working Group. And I met yesterday with the SO and AC leaders to discuss sort of how that group would be created.

Initially, it was very unclear like staff was directing, like the number of people that could be on it and how that would all work. But yesterday the leaders met. And we did speak with Theresa Swinehart and, you know, she basically, in my opinion really backed off and said, look this is sort of for you to decide but that she needed a way to receive the names and that's why they have selected Jonathan Robinson, the chair of the GNSO Council to forward the names.

So at any rate there was a lot of discussion about the fact that like Jonathan is the chair of the Council but does not represent the interests of the individual constituencies.

Long story short, I think that we'll probably end up with a maximum of four participants from each constituency. That's what we did for the cross community working group on Internet governance. And then on top of that we could have additional observers or people participating as sort of secondary contacts.

So I don't have final word on that yet but if that's the case right now, like I said, we've got eight people who had stepped forward and said they wanted to participate. We may only be allowed to have four. And then I guess I would ask, you know, another four out of the eight to participate as observers or secondary participants. But when I get final word on that I'll let you know but that's where that stands.

The other I think the big issue that we're going to have relative to sort of selecting participants is around this coordination group for the IANA

stewardship. And essentially what it comes down to is that we'll be able to select one participant out of the CSG, if things stand as they are.

I mean, we can try to push back and submit additional comments about how we don't, you know, feel that that allows us to be represented. However, I think we should probably - we can try that but I don't think that will necessarily do anything. I mean, we can try it. I definitely would like to hear from others on this topic.

But the plan is also for the CSG Executive Committee to meet tomorrow and that will be one of the topics that we'll be discussing is whether or not we can identify one person from, you know, among the BC, the IPC and the ISPs that could represent our interests in this coordination group.

So let me stop there and ask if there's any questions about anything I said so far.

Steve DelBianco: Elisa, it's Steve with a question.

Elisa Cooper: Yeah.

Steve DelBianco: Talking about the IANA stewardship and transition, if there is one from CSG I am wondering whether anyone from the Internet Service Providers is showing great interest and attention to this issue? Because the ISPs are the ones that do use the numbering resources. And of course they pick up copies of the root when they do resolutions. They may have the most direct concern about this. But who from the ISPs has stepped up and said they want to be the CSG rep on IANA transition?

Elisa Cooper: So, we haven't heard yet but the plan is we'll be discussing it tomorrow.

Marilyn Cade: It's Marilyn, if I could get in the queue to respond to that, Elisa?

Elisa Cooper: Yeah, go ahead, Marilyn.

Marilyn Cade: Thanks. As Elisa I mentioned, it's Marilyn Cade, we do have a CSG leadership call. This will be on the agenda. There is another complicating factor that I think some of you may have seen and that is that ICANN on its own has gone out and recruited ICC basis and given them a dedicated seat and so I've been contacted by parties who are active in the ISPs and also in the IPC asking if that is the business of seat. So I think we'll have to talk that through.

I would expect - we have certain members of the business constituency also pick up copies of the root, (unintelligible) root servers, they receive a direct allocation of IP addresses from RIRs and then redistribute them. But as a community, including the localized seats that are aggressively being recruited into the ISP constituency I think Steve's comment makes logical sense which may make our discussion tomorrow, later today, tomorrow with the CSG a bit complicated if it's only one seat for the CSG.

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

Susan Kawaguchi: Yeah, I was concerned when I saw ICC BASIS was basically tagged as business which, I mean, they are a business but I just was wondering if anybody knew why they were included like that?

Marilyn Cade: I do. You want me to respond - Elisa, shall I just...

Elisa Cooper: Yeah, go ahead.

Marilyn Cade: When I saw it I was quite surprised particularly since I was representing ICC BASIS at a UN meeting when I saw the chart. So I did make a phone call and ICANN reached out to ICC BASIS and to propose to them that there needs to be a general business outreach and awareness initiative which is not about -

there were certain other things said about us and how insular we are, that I don't need to go into.

But they had - the ICANN staff had this idea, Susan, that ICC is a general-purpose, general business, global organization and through their national committees they would be able to run awareness campaigns or, you know, heads up this is going on, you're a business user, you ought to be aware of it.

I know quite a bit about how ICC works. I've been involved in it for quite a long time and also is how BASIS works. So I was a little surprised about the assumptions but it was not intended on the part of ICC BASIS to be a replacement to the Business Constituency. They were understanding this was to reach the vast masses of businesses as users who don't even know that ICANN exists if that's helpful.

Susan Kawaguchi: That is helpful. And I think, you know, I understand now why ICANN may have done that but I think it's going to harm us in trying to claim that one seat because everybody is going to turn and go, oh no, you have ICC BASIS, why should you get two seats at the table? So, just a concern.

Marilyn Cade: It's Marilyn. And I just want to say that I want to support Susan's concern for the record.

Elisa Cooper: Thanks, Marilyn. Any other questions or thoughts? I do want to make sure we spend some time on our agenda for the ICANN meeting. And I want to run through that with you and I want to make sure that we have on that agenda things that people want to talk about. I didn't really receive much feedback when I sent out the agenda so I do want to do that on this call.

But before we do that any other thoughts or questions on this topic?

Steve DelBianco: Elisa, it's one from me, Steve.

Elisa Cooper: Yes.

Steve DelBianco: The connection between the IANA stewardship and ICANN accountability gives us two ways to go after Business Constituency priorities. One of the main concern we had with the IANA transition was that the scope was so limited that they weren't going to allow us to discuss ICANN's accountability problem once they walk away from the NTIA contract.

You know, we won that battle. And there is already a new track on enhancing ICANN accountability that will be the subject of the policy agenda on today's call.

Given that, the BC's need for a lot of attention and energy on the IANA stewardship goes down a few notches. I mostly responding to what Susan was suggesting with respect to the way staff has responded to all the IANA transition comments. They've changed the name of the team. They've given it a different composition. But they have not discussed the scope issue but instead started a brand-new thread on ICANN accountability.

So I do feel that if we had to divide our attention we pay a lot more attention to ICANN accountability then we went to IANA stewardship. Thank you.

Elisa Cooper: Thanks Steve. All right, let's move on - let's - if you are in the Adobe Connect you'll be able to scroll down and take a look at the agenda for the upcoming meeting so I kind of want to run through these with you.

So starting on Sunday morning we will be meeting with Bruce and Bill to discuss our issues and concerns. Now one thing I want to tell you about this meeting, this meeting is being coordinated in terms of that meetings we have with CSG when we meet with the IPC and the ISPs. This particular meeting is being coordinated by the ISPs.

So just to let you know, last time that meeting was coordinated by myself. I prepared the agendas for the CSG and that was our responsibility to do. Now this meeting is being coordinated by the ISPs. So for instance I don't actually have an agenda yet for what the topics for discussion will be with Bruce and Bill. Once I receive them I'll certainly send those on or include those.

That meeting that we are having later on Sunday from 4:30 to 6:30, again, that is with the CSG. That meeting is being coordinated by the ISPs. The primary purpose of that meeting on Sunday from 4:30 to 6:30 is to prepare for our meeting with the Board, which occurs on Tuesday.

Then on Monday we'll be meeting as a closed group from 12:30 to 2:00 and that meeting is into Sovereign Room. Now I was wanting, you know, some ideas I had for topics to discuss in our closed session were around the GNSO review and also started issues of representation for the Business Constituency as part of the CSG and then as part of the GNSO, the kind of issues that we are facing with, you know, participation on these working groups and that sort of thing.

But I'd like to hear from you if there are other things or you don't like these topics or you would like to discuss some other topics during our closed session. So this is a session where only members will be participating. So are there topics that we would like to discuss just amongst ourselves in this Monday meeting? Or are you okay with those topics? Steve.

Marilyn Cade: Elisa. Yeah, and then can I be in the queue after that?

Elisa Cooper: Sure.

Marilyn Cade: Thanks.

Steve DelBianco: Elisa, it's Steve DelBianco. I would add to enhancing ICANN accountability topic since we know that is going to get special prominence during the week.

And I realize that the BC has a comment under review. But if we are able to coalesce some principles or high-level points we can say about it that empowers us to argue those points when we are discussing with the Board and with the special event that's going to be held in London on enhancing accountability.

Elisa Cooper: Okay great. Marilyn.

Marilyn Cade: I think we've probably - Marilyn Cade - I think we also probably need to talk about - and I'm trying to think of what it is, how we say it, Elisa, but it's related to our preparation for interaction with the Board. We did what really should have been proper preparation for the last meeting, given them a heads up on the questions. They were well-prepared. And yet we walked into a very negatively toned meeting which was very disappointing on our side and I think very frustrating. For members who weren't there it went so far as Bruce going over and asking Fadi privately to take a different tone and how he interacted with us.

So maybe it's part of our - not just the topic but it's also the issue of, you know, how do we - how do we improve the receptivity of the Board and the senior staff to the concerns being raised by the community.

Elisa Cooper: Okay. So the topic is how do we improve the Board's receptivity to our concerns?

Marilyn Cade: I think so. I think that captures it. I think we were all just really disappointed in by the failure to communicate that took place in our last exchange.

Elisa Cooper: Okay. Jimson. Again, these would be topics for our closed session. We have quite a bit of time to discuss topics in our session on Tuesday so I think we want to focus on items that are sensitive in nature and is not necessarily fully formed and developed. Jimson, go ahead.

Jimson Olufuye: Okay. Thank you. I also want us to talk about ICANN finance and also the ongoing (unintelligible) review if possible. ICANN finance the proposed budget and then review of the charter, the ongoing charter review of BC.

Elisa Cooper: Okay. I have those topics down. I don't think we'll be able to get to everything in an hour and a half but I do have all of the topics. Anything else that folks would like to discuss in our private session? Okay so I have enhancing ICANN accountability, improving sort of our communication with the Board, finance and review of the charter.

So if we move on then you'll also notice that on Monday there is a perception that is being held for business stakeholders. It is being sponsored by staff. It begins at 6:45 through 8:45. And I would just like to let members know that we've been receiving some very good support from ICANN staff for our efforts.

They helped to prepare a newsletter for us. We provided the content but they took it from there so that was very helpful. They also held a webinar and Martin Sutton participated on that webinar. It was a webinar for new business members to kind of get an understanding of what the topics will be at the meeting in London.

So I think that Chris Mondini and his team are making some good efforts. And I can tell you that they've been very supportive and I would encourage you to please attend this reception for business stakeholders. I think it will actually be fairly well attended. And again that's Monday evening.

Then on Tuesday we have our constituency day. Starting off...

Ron Andruff: I'm sorry, I'm sorry, Elisa?

Elisa Cooper: Yes.

Ron Andruff: I beg your pardon. It's Ron. I just want to speak to Monday...

((Crosstalk))

Elisa Cooper: Yes, go ahead.

Ron Andruff: Thank you very much. I just wanted to make a note that in fact it should be very well attended; I would hope so as well but I would also note that on Monday 7:00 to 10:00 pm at the London Film Museum is the VeriSign event and it's supposed to be a black tie event so that will be a conflicting event just to make people aware. Thank you.

Elisa Cooper: Thanks, Ron. I believe you have to have an invitation to attend that event so at any rate.

Ron Andruff: Yeah, that's true. That's true. That's true. Just that it's, you know, the VeriSign event so it will draw a lot of people away. I just wanted to sort of manage an expectation there that wasn't a free night per se, it was in fact other competing - conflicting dates, that's all. That was it. Thank you.

Elisa Cooper: Okay so moving on to Tuesday we start off again with a cross constituency breakfast. At this point I don't know who will be our guest. Again, this is coordinated by the ISPs. I don't know, Marilyn, if you know who the guest will be but I don't yet know who the guest is nor do I know the topics. So I guess we'll just wait to see how that's all pans out.

Marilyn Cade: Actually, Elisa, Marilyn. A quick update, I'll just do this now and then we may not even need a CSG five minutes. Tony has come back and suggested that we invite - just real quick for members the GAC members are not available because of the high level meeting. The NCSG as a competing requirement. The SSAC was proposed but they have had to cancel because their schedule has been completely disrupted by the way that the changes in the ICANN agenda have gone on Thursday.

So what's been proposed is to invite ICANN new staff and to use that. We also have a very large turnout of members from European ISPs and IPC who are new attendees, and not new members but new attendees. So there will be about 120-140 just in the CSG attendants.

So Tony has proposed that we invite ICANN new staff and focus on really trying to get - helping them get acquainted with who we are. On the CSG leadership call he is going to go through that and propose a couple of questions which will not be about policy, they will be about how to help build understanding by the new staff about who the constituencies are.

I will just say for new BC members, we used to regularly host breakfast about every third or fourth meeting, we used to host breakfast with the ICANN staff and it always turned out to be incredibly well attended and a big highlight for them. So comment you know, this may seem like we're filling in but with all the new staff I think it could be a really good opportunity for us to win some friends with brand-new people.

Elisa Cooper: Okay so apparently the plan is to invite new staff. Again this meeting is coordinated by the ISPs and I really deferred to them in terms of who they, you know, wanted to invite. In the future I hope that they do the same. Basically when it was our turn I was pretty adamant that we invite the GAC; that's where our interest lied.

At any rate so that's where that will be the breakfast that's Tuesday morning. Then after the breakfast we move right into our CSG meeting. Again, I don't have an agenda but when I get one I'll be sure to share that with you.

I assume that will be spending a little bit of time wrapping up on how we're presenting and what we're presenting to the Board because after we meet with the CSG we move right into our Board - the meeting with the Board and that's 11:15 to 12:15.

And after that we break for lunch and then we come back together again and that's where we meet as the Business Constituency. This is our open meeting and this is the meeting where I think that we'll have a number of members of the business community attending, not necessarily members. But I think that we'll have a number of others as well.

So this - again, this is a set of items that I had identified for us to discuss. And I really want to hear from you other topics that you would like to include in our agenda. I thought that we probably would want to spend some time on the Expert Working Group on report on directory services.

And I know that, you know, Susan Kawaguchi, as a participant in that group, has very graciously agreed to provide leading us through some of the issues. And I think even today, if we have time, she's going to identify for us some of the things that we really need to be thinking about.

I had actually had us talking about methods for enhancing ICANN accountability in the open session. But Steve, if you think that we're better served to do that in the private or closed session that's fine too. There are a number of open issues on new gTLDs. We're seeing premium pricing on trademark names which I think is outrageous. We're also seeing that some registries are reserving names. And we need to ensure that we've got sunrise periods for those. So there's some outstanding issues I'd like us to go through.

Also, to sort of further discuss what our positions are on stewardship of the IANA function, and then staff had requested some time about reviewing this operational excellence dashboard. I've also had an offer from Chris Mondini to spend some time, again, a Q&A on outreach. But I want to hear from you what things you would like to have added or things that you don't want to discuss that I've identified on this agenda. This is just a draft agenda.

(Phil), I see you have your hand raised.

(Phil): Yeah, I just wanted to mention new TLDs, there's a new issue. And actually I'm writing an article about it which I'll be publishing in the next few days and circulating. The dotXYZ TLD has launched last week. And a situation has occurred where Network Solutions is basically advising thousands of their customers that they're giving them a free XYZ name and they're getting it unless they affirmatively opt out.

So now XYZ is showing over 100,000 domains registered but only about 14,000 of them were actually deliberately registered. And putting aside the issue of where they stand in the sweepstakes to be the number one TLD out of the gate, there are issues here of potential violations - possible violations of both the registrar accreditation agreement and of XYZ's registry agreement. That's what I'll be writing about.

So it's a compliance issue. It's also, you know, involuntary registrations of domains raised some consumer protection issues. So I wanted to put that on everyone's radar screen. And I'll be circulating an article once it's published in the next day or two.

Elisa Cooper: That sounds great. I've been...

((Crosstalk))

Marilyn Cade: Elisa.

Elisa Cooper: So we can definitely cover that under the open issues on new gTLDs. Thanks, (Phil). Yeah, Marilyn.

Marilyn Cade: I just wanted to verify that I heard - I know I heard you right but I'm going to say it again for the transcript. We have a new gTLD, when we affirmatively - they're basically affirmatively assigning names to existing customers.

(Phil): Yeah. Based on all the press reports Network Solutions has been sending emails to existing customers. Apparently these are - from what I've read on - I'm not in a position to confirm it - these are matches to existing domains they hold at other TLDs. But they're sending them an email saying we are giving you a dotXYZ - this dotXYZ domain. And unless you hit this link and affirmatively opt out it's going to be put in your account.

Marilyn Cade: So it's not that they're an existing customer. I will look forward to your article and I know you always...

((Crosstalk))

(Phil): Yeah, they are existing customers of Network Solutions. They did not choose on their own to register a dotXYZ domain; it's being done for them. And if they don't opt out and there's no way to tell how many people actually read the email because if you don't respond you get the domain in your account whether you, you know, even though you didn't make the choice to register an XYZ domain.

Marilyn Cade: Wow. Thank you.

(Phil): I will say - is one of the two services tracking new TLD registrations just dropped out all the Network Solution registrations for dotXYZ and when they did that their rank in total gTLD registrations went from number one to number 14. So that gives you - over 80% of their registrations have been accomplished through this Network Solutions opt out program. And they're not getting a completely straight answer about whether they had some arrangement with Network Solutions to make this happen.

Elisa Cooper: Thanks, (Phil). I think definitely we'll want to look for your article and include that in that topic.

(Phil): Okay. Thank you.

Elisa Cooper: Other areas that folks wanted to cover in our open meeting? And let me ask Steve, Steve, so it your preference is that we discussing enhancing ICANN accountability in the closed meeting and maybe I can slide in discussion of ICANN finances or one of the other things that we've discussed for the closed meeting. Is that your preference?

Steve DelBianco: Elisa, what I would love to do is let's cover it in the closed meeting that we have on Monday and allowed no more than 10 minutes to do update on anything that's changed when we meet on Tuesday. But...

Elisa Cooper: Okay.

Steve DelBianco: ...more of it in the closed would be better. Thanks.

Elisa Cooper: Okay. Okay. Other - so other things that people would like to discuss in our meeting on constituency day? Anything at all. I want to make sure that we are talking about what you want to talk about.

Jim Baskin: Jim Baskin.

Elisa Cooper: Hi, Jim.

Jim Baskin: Hi. I think everyone knows that ICANN just published the final Phase 1 report on the name collisions from JAS...

Elisa Cooper: Yes.

Jim Baskin: ...this week. And there's going to be a meeting held sometime - I don't remember when they said it would be, during the ICANN meeting. But, we may want to spend a little bit of time talking about that report.

Elisa Cooper: Yes, I think so. Thank you for that.

Jim Baskin: Welcome.

Elisa Cooper: Other things that people want to make sure we cover and discuss? Okay, so if there are things that you think about after this call if you can send me an email today I'll do my best to get it into the agenda. Otherwise I'll plan on sending out a revised agenda within the next day or two.

And I'll try to also leave some time for us to just discuss, you know, things that we've heard like in Fadi's welcome session and this because usually sometimes there's quite a bit we want to talk about once we hear what he has to say.

So - and then on Wednesday we have from 12:30 to 2:00 and we typically don't use this entire time, we'll meet again to just discuss what we want to do and what we want to say in the public forum.

Now the public forum is only two hours this time. Typically I think it runs for four hours but in order to accommodate all of the work that has to be done around the IANA stewardship and ICANN accountability and all of that they needed to reduce the time of the public forum. But we'll still want to meet and talk about what comments we want to make.

Any questions about the meeting or anything at all or again, anything you want to make sure that we talk about at the meeting in London? Okay, so if you do think of anything please just send me an email and I'll do my best to accommodate that.

Marilyn, if you can give just a very quick update on where were at with the election of the Board seat Number 14 I think that would be helpful for people.

Marilyn Cade: Sure. Thanks, Elisa. And just let me preface this by saying - just a mentioned that Elisa has mentioned we don't have information on certain things from the CSG leaders but the call is coming up very shortly so you will have that information and the topic of the election candidacy is also on the call.

So the status is that many of you were able to participate in a call with Dan Reed. And that was attended by a cross representation of the CSG. The transcript was provided.

I was on the call briefly but then got knocked off and it was too noisy but I did carefully read the transcript. I read all the comments that have come in. The preliminary feedback I've received from Tony and from Metalitz and Elisa and I will have this confirmed on our CSG leader's call is that there was great (unintelligible) toward Dan based on his comments and explanation in response to questions.

In particular there was a question he was asked which had to do with, you know, how would you really - I'm going to miss characterize this that it was really sort of, you know, how would you really help to make sure the Board understands that they're accountable to the community, not just accountable to protect the organization; very crude wording.

But the gave - I think most of the members' comments that I saw and my own read on that was he gave a very sound answer, a very broadly mature answer on how that is a common problem and how he sees it as a problem.

Let me - so the status right now we'll be talking - verifying with the other constituency - to constituencies that based on your feedback and theirs, there's strong feeling of support for him in which case the big question remains and, you know, I'm still saying "if" here - if that's the case the question remains can he get to vote from either the NCUC or the NPOC, which is something that we are still trying to sort around.

There is the possibility, if there is no - not strong enough support for him that another candidate might emerge. But I'd like to pause and hear - Elisa, if you and I could hear a bit from members on the call about any feedback about Dan.

Elisa Cooper: I see Ron you have your hand raised.

Ron Andruff: Thanks, Elisa. In response to Marilyn's question about feedback, I spoke in a number of times to the members and on list about the qualifications that Dan had from the NomComm perspective. But I wanted to speak today - I asked him on the call is issues or his concerns were his thoughts about transparency, particularly with the Board meetings not being public and not knowing what's going on within the Board. And his responses were very solid.

He talked a lot about trust and how trust needs to be rebuilt, that it's not something that comes naturally. It's been deteriorating and it needs to be worked on and that transparency is a critical element of trust. And he said these are root causes and there's some lack of understanding of relationships between the Board and the community.

So he was making a lot of very wise comments about how we need to deal with this. And so transparency is very high on his agenda and I just wanted to bring that to that members' attention. Thank you.

Elisa Cooper: Thanks Ron. All right anything else for Marilyn? So as Marilyn said...

((Crosstalk))

Elisa Cooper: ...we'll send an update after the call we have with CSG leadership to tell you where we're at with Dan Reed.

Marilyn Cade: Right. Thanks.

Elisa Cooper: Okay so let's move on. Steve, I'd like to turn it over to you for policy.

Steve DelBianco: Thanks, Elisa. We're running behind schedule so I'll abbreviate this report to make sure that there's time for the others in the agenda to get their licks in. I sent a policy calendar yesterday, an extensive one, and it had three attachments. The first thing I'll note is thanks to Elisa and Tim for the brief comment on internationalized registration data, that was filed.

We have an initial comment we made on enhancing ICANN accountability. We filed back on 27 May. And I'll pick up on that later because we're going to try to do the reply comment. And Ron Andruff, you had done a policy advisory Board comment that we got in on 17 May.

The current ICANN public comment period is up for several items, eight of them that I have been here that are important for the BC. Let me first cover Board member compensation. We've discussed this on previous two BC calls and it was put out for the full 14 day review.

I put a one sentence statement for the BC which received support on the phone call. That one sentence statement is, quote, the BC endorses this change to ICANN bylaws in order to attract qualified directors who could not devote significant time to ICANN Board participation unless they were to receive compensation.

This comment is due today, the end of our 14 day period. The only - I had a couple of reactions via email and one was from Marilyn who shared some general thoughts but not specific edits to the statement.

So let me open a key right now with BC members on whether that statement will be submitted today to ICANN. Marilyn, let me go to you first.

Marilyn Cade: Thanks. I don't have any problem with our submitting it. I did want members to start thinking about a different approach to, you know, unelected Board

members, in my view, even unappointed Board members, these guys have no accountability either to us or even to their own community. And they are - they have access to all the material; they sit in on all the meetings and they are polled by the Board, they're treated as though they're a Board member.

And in the long run I'm not objecting to compensation but in the long run I think we would need to - if the Board needs technical advice that should be paid technical advice, so no objection to this.

But I think in the long run it's a governance issue and we should be thinking about a different approach to accountability for Board members who fill such roles. And if they are a liaison then they should really move into a different frequency of meeting, etcetera, et cetera. But that's for a longer-term discussion but I appreciate you're letting me clarify.

Steve DelBianco: Thanks, Marilyn. Anyone else in the queue that wants to object or modify the BC statement? All right seeing none, I'm going to file that today. Thanks everyone and thank you Marilyn.

The second item on the policy calendar is enhancing ICANN's accountability. We already filed a comment on the process concerns that the BC had. Thanks for all the help - particularly from Aparna, from Susan, Phil Corwin. We also got that in and now it's time for the reply comments. They are due 27 June, the end of the week we're in London. But this is a huge topic on ICANN's accountability.

I drafted a reply comment with several specific answers to ICANN's six questions. Circulated it on 10 June. The number of members have already indicated the ideas and enhancements. I took John Berard's edits and already put them into the version that was attached to the policy calendar that you've got in front of you.

Given the time on this call I can take a two-minute queue just getting general thoughts from people that want to help to draft of these. But we'll have to do this specific edits over email. I'll take a queue on that. I see Ron Andruff. Ron, go ahead.

Ron Andruff: Thanks, Steve. And thank you for the work on this. Could you or John elaborate a little bit on this concept of the DNS constituency? I haven't been able to wrap my head around it. Hopefully you guys could explain a little more. Thank you.

Steve DelBianco: Thank you, Ron. I'll take the first stab at it. The idea here is that the ICANN Board does not, by the bylaws, it does not represent the groups that nominate those directors and instead the ICANN Board becomes more of an adjunct to management. And in fact the bylaws require that they represent the interest of the corporation. So what we are lacking is any representation of the community.

The only time that community, not the corporation, gets to vote on things is when we do cross community working groups. So John's expression of this is the idea of a permanent cross community working group. And this includes all the ACs and SOs. But it ought to be down to the constituency level. There ought not be just one person on this panel for the GNSO. The GNSO has multiple constituencies and each of them should have seats on it.

What I had put in the draft was that this Council would be permanent and it would have a limited set of roles that imposed accountability that's external to the management Board executive branch. So it's not external as if the United Nations or the United States or any other government but it is external to ICANN, the corporation, and the Board that is sworn to serve it.

What I put in the comments was that there would be a limited set of duties that this group could do. Namely, it could refer items to the independent review process. It could question their Board - decisions made by

management and Board. We would name the representatives to the independent review panel.

We could we view and approve ICANN budgets and approve changes to the bylaws and articles of incorporation. The idea of it is to stand up a Council with every constituency, AC and SO represented and that Council then would have a set of enumerated powers. This would have to be baked into the bylaws so that they would have really - it would add for the first time a little bit of extra accountability - community accountability for the combined entity of ICANN management and Board.

John Berard, would you want to add anything to that?

John Berard: Sure. I just activated my mic, can I be heard?

Steve DelBianco: Yes sir.

John Berard: Hello?

Steve DelBianco: Yeah, yeah, yeah. So the idea is born out of the focus on accountability. It is powered by what has been happening over the last couple of years where the community has been subject to a bit of a divide and conquer approach by the Board and by staff. And by what I perceive to be an imbalance between staff driven decisions, Board approvals and community consent.

And so I'm sensitive and suggesting this counterbalance, and I like that word, counterbalance, to mis-describing the proposal. So I would not want to use the word "council" with it. I would not want to use the acronym DNS in association with it. But I would very much like to promote the notion of any standing cross community working group on ICANN accountability which can either initiate review or be petitioned by any member of the community to take a look at a process or a policy.

And I think that participation in this standing cross community working group would, by including people from every corner of the community then it would be an opportunity to recombine the voice of the community in a way that it has been diffused over the last couple of years.

And so that's the motivation. I don't think that the methodology processes, the policies, the procedures, have yet been - are yet known exactly. But I totally agree with Steve that this needs to be embedded in the bylaws and is a totally appropriate point of discussion within the context of the ICANN accountability work.

Steve DelBianco: Thank you, John. I look forward to (unintelligible) up is with a better name for this. I have Susan in the queue next. And they did want to mention that the comments we're submitting on 27 June are to get started on this accountability working group.

The accountability working group is the one that would actually put meat on the bones and come up with recommendations for the Board and others to review. Susan Kawaguchi.

Marilyn Cade: And then can I be in the queue? It's Marilyn.

Steve DelBianco: Yeah, Susan and then Marilyn. And we'll have to move quickly. Go ahead.

Susan Kawaguchi: So I think it's a great idea but I'm wondering just on the face of it is it going to be perceived as just another GNSO?

Steve DelBianco: Right, it could not be, Susan, if it includes ALAC, if it includes ccNSO, the GAC, the address...

Susan Kawaguchi: Oh okay.

((Crosstalk))

Steve DelBianco: ...organization and the SSAC and all of those are in it.

Susan Kawaguchi: Okay.

Steve DelBianco: And I clarified that in the draft that was circulated last night. But I hope that answers your question.

Susan Kawaguchi: I'll have to read the draft so thank you.

Steve DelBianco: Marilyn Cade, go ahead.

Marilyn Cade: Marilyn Cade speaking. So an idea, not quite like this, but similar to this was fielded by Becky Burr and I a number of years ago. And my suggestion is that we come up with a short set of principles that we think should apply to the accountability mechanisms and then we propose an example.

There was a huge negative backlash against the idea that there would be an external accountability mechanism over the Board - but there was a lot of misunderstanding about what the purpose of the independent accountability mechanisms were for and how they should function.

So I think this is very good thinking in the general direction that we should be going in. But if we came up with a set of principles we would then be able to circulate the principles to others who share BC's, IPC, blah, blah, blah, share our concerns that we wouldn't - we will not be able to wordsmith and actual detailed document.

I think we will also have to consider, under the present rules of incorporation, in California, what kind of external mechanism could be established. So real quickly, the previous proposal included the idea of an external appeals board that Board decisions could be referred to; as sort of a court of arbitration that would be created and maintained, and an independent legal advisor to the

Board members, not accountable to the corporation but accountable to the community.

And - but these are the kinds of things I think we would want to think more about. But it's the principle that I think we ought to be able to find commonality about.

Steve DelBianco: Marilyn, thanks very much. I will look for your help in articulating a bullet list of principles. We put it at the top of Page 3 before we really began to answer the specific questions that ICANN posed us. And I look for your help on that via email.

We'll close the queue on this particular topic and look forward to further discussion. And this is the topic I asked Elisa to put on our Monday closed agenda. Thanks, everyone.

All right next item in our list is Jimson had circulated a couple of bullets on the fiscal year 2015 draft operating plan and budget. Jimson if you have any updates to that line, if you don't have updates we'll just save it for when we get together in London.

Jimson Olufuye: Thank you, Steve. No real update but just to quickly say that what I mean by the budget enterprise system architecture (unintelligible) system of enterprise planning software but ICANN has acquired their own system and we are looking forward to savings, you know, down the line through this strategic plan.

So what (unintelligible) I need your help - I need your opinions looking for this plan for ICANN. Thank you.

Steve DelBianco: Who on our call has experience with ERP, enterprise resource planning applications in the companies that you've been part of? Anyone that could put a hand up on ERP experience?

Alright, I don't see one but, Jimson, let's put an email out to the entire BC for those who have experience in ERP. And it doesn't have to be a BC member, it could be a BC - a colleague of a BC member that could provide some assistance on this. Thanks, Jimson.

The next two items are 4 and 5; I'm going to combine them. These are discussions on to public comment periods; one with respect to Whois and registrars trying to obey privacy laws and the general topic of how Whois requirements can conflict with national laws.

Initial comments for that second one are due today and the comments for the first one actually closed yesterday. We were fortunate enough to have volunteers, Susan, Tim Chen, John Berard, David Fares, volunteered and began some of the work on this. But all we've crystallized thus far is a couple pages of discussion.

This was an attachment. It was the second attachment to my policy calendar yesterday. And I know we have Susan and John Berard on the call today. Susan and John, what would you want to say to our BC colleagues about moving from your discussion towards a structured comment that we can vote upon?

Susan Kawaguchi: I would...

((Crosstalk))

John Berard: Susan, you want to...

((Crosstalk))

Susan Kawaguchi: Let me - my only comment was that - in the discussion was that, you know, with my work on the EWG, you know, we're definitely sort of moving in

the direction of having local data protection laws and local jurisdiction apply to your data. And so it makes sense that we did not oppose this. But there was a law that they could point to that we should, you know, I could see the reason for the exception.

What I don't want to do - to have happen is that there is an imaginary law that, you know, that cannot be documented that just - it's sort of this vague oh you can't do that and therefore the registrar doesn't comply. So - and is granted the exception. So that's sort of my...

((Crosstalk))

Steve DelBianco: Susan, in your write up you had suggested that registrars should not be able to pick and choose the (unintelligible) jurisdiction...

Susan Kawaguchi: Yeah.

((Crosstalk))

Steve DelBianco: Are you suggesting that the BC - I know the deadline was yesterday but we can still submit a comment. Are you suggesting we put in a comment to that effect, some sort of a warning about that selective abuse and get it into the discussion of the German registrars?

Susan Kawaguchi: Well I mean, yes, I think we should. And my thinking there was, you know, if you have a registrar that, you know, their terms of service is based in Germany, for example, but then they decide to, you know, want the exception based on Nigerian law that doesn't make any sense to me and it should adhere to whatever their law they've asserted in their terms of service or in wherever, you know - and I haven't looked at the...

Steve DelBianco: Okay.

Susan Kawaguchi: ...accreditation agreement. But whatever law is applicable and not be able to say oh no, no but we hold all our data over here so we don't have to do that.

Steve DelBianco: All right so the determination at issue, the one that closed yesterday, doesn't actually expose - it doesn't actually expose these theoretical problems that you're bringing up and it might be...

Susan Kawaguchi: No.

Steve DelBianco: Right. Isn't it more selective? It's strictly with respect to a German registrar. And so I'm wondering...

Susan Kawaguchi: True.

Steve DelBianco: ...maybe we save your concern for either the Whois conflicts with national laws or for the very next time that the community is asked to comment on a waive request.

Susan Kawaguchi: And that would be fine with me.

Steve DelBianco: Great. All right so we'll proceed along that line. And then number 2 here, which is the Whois conflicts with national laws, John Berard, you had some initial thoughts on that. Would you share what your perspective is there?

John Berard: Sure. And I think it's in line with what the expert working group has produced that national laws are meaningful; that if there are differences between what ICANN expects of a company based in a country whose laws expect otherwise that that country's laws need to be - have primacy.

I think the second part of that question, and one that I think gets at ICANN contracts and policies is should that protection for that registrar - should it be prospective or retrospective.

So in other words, do we create contracts that are different for different registrars which could allow for - or create a market imbalance among registrars; or do we limit their petitioning for relief to - in reaction to - or in response to a conflict. So I guess that would be the other half of this question. And perhaps could be the subject of our reply comments.

Steve DelBianco: Right then I do need to see whether you and Susan and Tim can move from discussion comments to an actual draft that BC members can review. The comments don't close until the 11th of July so we have a little bit of time but we'll need to move in that direction.

Elisa, I'll close it off there for the policy section and turn it back over to you. I know that John may have something to say about Council.

Elisa Cooper: Yeah, John, anything that we need to know about Council?

John Berard: I would just point out two things - well three things. Review the schedule that I forwarded. You may find things on there of personal interest. If you are in London on Saturday the 21st the two hour period from 1 o'clock or from 2 o'clock to 4 o'clock at the GNSO prep meeting could be worth your while. It is a - it is the prep for the meeting - the Board, the GAC, the ccNSO and the CEO and it is the meeting with the CEO.

Fadi will of course be previewing his prepared remarks for the week and it can give you an early listen at what you're likely to hear going forward. The only motion on the agenda that I'm confident of is one that carried over from our last meeting where we agreed to create a PDP on IGO and INGO protections with regard to curative rights.

So essentially do the URS and UDRP need to be changed in any way to accommodate the IGOs and INGOs? There was request for a deferral, however, the motion to - on the charter for that working group. (Unintelligible).

Terri Agnew: This is Terri from staff. We'll try to isolate that line. It'll be a moment. Sorry for the interruption.

John Berard: Hello? I'll take any questions if there are any or just turn it back to you, Elisa.

Steve DelBianco: John...

((Crosstalk))

Marilyn Cade: John.

Steve DelBianco: ...I attached your Excel sheet that had the schedule on it for the most of the week in London.

John Berard: Yes. I saw that. Thank you very much.

Marilyn Cade: Yeah and I - it's Marilyn. I have one quick question for John.

Elisa Cooper: Go ahead, Marilyn.

John Berard: Sure.

Marilyn Cade: Thanks. And I had a private email with John and I think he responded - not a private email, - I sent a personal email, sorry, to John and I think he responded to the list this idea that ton Tuesday we're all going to come back together and huddle up in the GNSO with the GNSO Council, the SG leadership, maybe our constituencies.

Tuesday is typically a time when we watch the Board and the GAC dance with each other. And I haven't had a chance to go over the agenda but I was astounded by the idea that on a very, very busy constituency day that the

constituencies would all be changing their schedules to come back together at the end of the day.

John Berard: Marilyn, this is John. I don't think that's the case at all. I haven't compared the schedules. But - and I've expressed my concern to Jonathan and the other councilors at this point. This idea - this would be like the third or fourth time that this meeting has occurred.

And it was born out of concern by the Council that we have discussions on Saturday and Sunday and we think we've set an agenda for Wednesday's public session but there are many times that councilors need to confer with the constituencies if there are changes or must wait for constituency day to get a final fix on what view they are to take.

And so the idea was to grab 15 minutes at the end of the day for the councilors to come back in and handle any outstanding issues that might have existed after Sunday and before Tuesday.

This has become, as is often the case and much to my dismay, has become an over-architected session that now Jonathan wants to invite the leadership of constituencies and stakeholder groups to. And, you know, turning a 15-minute quick conference to determine if a problem can be solved or if any exists at all, and now creating, as it has in your mind, a sense that there's some - something going on that nobody knew about.

So this is really not a high stakes meeting. It's not designed to be in conflict. But, you know, I'm only one vote and on this matter I seem to be not being heard very well. In fact at the meeting in Singapore there were actually hors d'oeuvres and cocktails that were served. It was totally extraordinary.

But it is an organizational meeting that shouldn't take more than 15 or 20 minutes.

Elisa Cooper: Okay. Thanks for that, John. So we are actually out of time. I don't know, Jimson, if you had anything in particular you wanted to cover. Maybe you want to give just a one-minute update of where we're at with the Website?

Jimson Olufuye: Yes, thank you, Elisa. Yes, we have a new Website now but we're still doing some (mop ups) and updating. So by the time we meet in London it should be finalized. And, two, I would like to request member feedback concerning my last report, there are some recommendations I gave. I need some maybe go ahead, you know, concerning those recommendations. Yeah, and that's it for me.

Elisa Cooper: Okay. All right, anything for - does anybody have anything for Jimson? Okay so thank you so much, everyone, for joining today's meeting. I will be sending to you within the next day or two a revised agenda that will incorporate the things that we've talked about.

I'm excited to see everybody. If you have any questions about anything feel free to reach out to me personally and if I can answer anything I will. I wish you all safe travels and I hope to see many of you very soon. Thank you so much.

Terri Agnew: Once again that does conclude today's conference. Please disconnect all remaining lines at this time and thank you very much for joining.

END