ICANN

Moderator: Terri Agnew
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10:00 am CT

Coordinator: Recording has been started.

Terri Agnew: Thank you, (Nori). Good morning, good afternoon and good evening. Welcome to the BC call on the 29th of May, 2014. On the call today we have Steve DelBianco, Ron Andruff, Elisa Cooper, Angie Graves, J. Scott Evans, Barbara Wanner, Stephanie Duchesneau, Rich Freedman, Yvette Miller, Brian Huseman and Samantha Demetru. Jimson Olufuye is an apology for today's call. From staff it's myself, Terri Agnew.

I'd 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. So thank you to everyone for joining today. I want to start off by giving you a bit of an update on the call that I just had with Fadi this morning that he holds on a monthly basis with the SO and AC leaders. Kind of an interesting call. He talked about the upcoming meeting in London and some other things as well.

And I brought to him the concerns that you had asked me to and so I'll give you a bit of an update there. I want to talk a little bit about our planning for

London although the next call that we have scheduled to meet as a BC is supposed to be more dedicated to that planning call but I would like to touch on that a little bit.

Marilyn is going to give us a bit of an update on where we're at with the election of our Board member that represents into Non Contracted Parties House. And then it will turn it over to Steve and will spend, you know, a good portion of our time talking about our policy calendar. And then we'll get an update from John in terms of where were at which the Council. I know there's some activity around IGO and INGO indicators.

And then if there is any other business that we should be discussing if anybody wants to let me know if there's any other topics we want to try to squeeze in for today's call that would be great. Are there any other topics that folks want to address? Okay great.

Well hopefully we'll have a minute or two at the end if we do and you think of some other topics we can address them at that time. So in terms of the call that I had with Fadi this morning he talked about the meeting in London.

He said that he expects it to be a very busy meeting; more busy than usual because, one, the At Large group is having their summit so this is something that has happened I think only one other time when all of the At Large organizations convene and meet. So that will add to the workload in the schedule.

There is also a high-level government meeting which is happening in London which will also I think, you know, put some focus on, you know, the activities that occur in those meetings. And my understanding is that the date for that meeting will be on Monday when those will be held.

And then of course they have all of our regular meetings and of course there's going to be a lot of interest in the IANA stewardship transition and then of course accountability.

Fadi also said that he plans on spending a fair amount of time talking about the work that he and his team have done in terms of what he called hardening ICANN. And what he's really talking about is, I think, trying to create a real organization, a real business by improving people, processes and tools.

And I know that he's done - I think he's done a tremendous job they are personally that he believes it will be another three years before the organization will really be at the level that it needs to be. But he's planning on spending a bit of time on that.

And then the other thing I think we're going to hear a lot about at the upcoming meeting is this New Global Domains Division. And I think that they're planning on kind of having some focus on that as well.

So that's what, you know, Fadi talked about. And this call that he had it will be transcribed and I'll send it out to you so you can see for yourself exactly, you know, what the focus of the call was.

But I brought to him sort of three areas of concern that I had and things that we had talked about. And the first thing that I asked about was, you know, what was going to happen with the thousand or so comments that have been submitted around the IANA transition and in particular, you know, the steering committee.

And Theresa Swinehart answered that, you know, there would be continuing conversations at the meeting in London. And I know there was in particular about of concern about the steering committee and how that would be composed and comprised. So I didn't get a clear answer except that there would be more conversations about this at the London meeting.

I also told him that I was very concerned about how the IANA - the ICANN Account Working Group was going to be comprised. And again, Theresa said that this was going to be up to the SO and AC leaders.

And in another email correspondence that I had had with her she told me that, you know, Jonathan Robinson who is the Chair of the GNSO Policy Council would be, you know, working to drive that.

And so I brought up the fact that, you know, while Jonathan is the leader of the Council, he's not the leader of the BC and he doesn't represent necessarily the views of all of the different advisory committees - well the, GNSO - all of the different constituencies. And that seems to really resonate with her and also resonated with Fadi.

And so the take away there was that there would be an additional call to discuss, you know, how these kind of non-PDP activities when they're asking for, you know, for members for working groups and that kind of stuff how we could get better representation. And so I think that was a real positive and he seems to understand the issue.

The final area that I mentioned to him and also really struck a chord was that, you know, once again we are reaching a critical threshold in terms of the amount of work that we're being asked to undertake and that seems to resonate across all of the different constituencies and stakeholders that were on the call.

And what was suggested was that there be a workshop meeting held with the SO and AC leaders to really discuss, you know, how they should be addressed. And I think that was also a positive.

So I think it was a very good call. You'll have access to the transcript and, you know, if there's anything that I, you know, want to add to the call that we had I'll send it out on the list. But that was primarily the focus of the call today.

Any questions? I'll also say that there were some complaints made by some others on the call about the new ICANN Website that some of the links were broken. And the complaints were kind of not very focused; they didn't, you know, they just said it's a - some people said it was a disaster. I don't believe it's a disaster. There are some broken links, I've seen them. I'm sure they'll get fixed.

I think if we do find problems with the ICANN Website, you know, you can send them on to me and I will get them sent on to staff or you can send them - I'm not sure who they should go to but you can send them on to me and I'll find out who they should go to if you're finding problems with that. But without the real supporting information that did not go over well.

Any questions about the call this morning with Fadi that I might be able to answer?

Steve DelBianco: Elisa, it Steve. Did you say a transcript was going to be circulated?

Elisa Cooper: Yes.

Steve DelBianco: Thanks a lot.

Marilyn Cade: And can I just let everyone know I've been able to join the call. If Marilyn.

Elisa Cooper: Oh great. Thanks, Marilyn. I just want to say one other thing about London planning. I think, you know, probably the best way forward - and I'll send out an email reminder to folks. I want to try to spend a fair amount of time on policy in our meetings that we have when we meet as the BC.

And I know there are some other topics that people want to discuss in more of a closed session, some things that are a little more sensitive about the BC. But if you can send to me the topics that you would like to spend time on that would be very helpful in creating an agenda. And I'll send out a reminder.

I will let you know that I believe we are slated when we meet with our IPC and ISP colleagues that we'll be meeting with the SSAC so we'll have an opportunity to discuss security and stability and hear from them what's going on so that will be an opportunity for that.

But if there are other things that people want to discuss in the meetings and to make sure that we identify as a bullet point for the agenda please send those items to me.

And we are slated to hear from staff for a half an hour about to work they've done in the creation of a dashboard which I think will be very useful and helpful for us to understand the work that ICANN is undertaking in different areas.

Marilyn Cade: Sorry, Elisa, it's Marilyn. Is that the dashboard they're going to explain the same issue that they wanted to talk to us about about operational excellence or is that a different...

Elisa Cooper: Yes, it's the same.

Marilyn Cade: Sorry, it's Marilyn again. I had asked if they could provide more information ahead of time since, you know, we always are really rushed on time. So can I just park that question?

And you may have already mentioned this but since we're going to have roughly 100 participants across the three constituencies, I think the other point that the more people can provide the information you've requested the more we'll be able to collaborate with the ISPs who are coordinating because of the additional participation we're going to have to be very very organized to make sure everybody gets to participate. So...

((Crosstalk))

Elisa Cooper: So, we're not meeting with them as part of the CSG; we are meeting with them as the BC. But I do have the agenda that they propose and I'll send that out to the membership.

So actually I will turn it over to you, Marilyn, to give us a bit of an update in terms of where were out with the election unless there are any other questions about the call or the agenda for London or any questions about that. Again, if you can send those topics to the list that will be very helpful in creating the agenda.

Marilyn Cade: Let me just...

((Crosstalk))

Elisa Cooper: Marilyn, I'll turn it over to you.

Marilyn Cade: Okay. Marilyn speaking. I did also do a short written update that I'll just be augmenting very quickly. But I'll cover it because I just send it out realizing that not everybody was going to be on the call.

The CSG organized to interactions with Sam, the proposed candidate, Sam Lanfranco, his name was put forward from the - from NPOC and with content and agreement from the NCUC.

The transcript of the first call was sent around to all members. I know not everyone was able to be on the call. There was a subsequently a lunch held at a law firm in Washington and some BC members were able to attend that.

Quickly to summarize, Sam did I think very poorly in the first call, as all of you would have been able to see from the transcript in his response to conveying that he even knew who we were. When Elisa, our chair, ask a question his response to her was to give a response about how Registrars feel about things.

He also, in response to a question from Metalitz about improving the transparency publication of Board documents, transcripts etcetera, indicated that he would not intervene and would not get involved at that level of detail.

He left most of the folks who talked afterward feeling that he is too new too ICANN, too new to us. And after his second interaction at the law firm I think a couple of the people who interacted with him thought he was better prepared, demonstrated a better understanding. But at the end the ISPs continue to feel that his newness is a serious problem and the IPC continues to say "no."

Two things were discussed on a recent CSG ExComm call. One was whether there can be another candidate. And at the end one candidate was - there were two candidates that might have emerged. One is not eligible and there was no putting forward of any names.

The second name, which did emerge, and there seems to be strong interest among the CSG ExComm who has talked about it so far, I'm going to explain who it is that I first of all want to just dispense with two other things that were discussed.

One was the idea of taking the resolution of our problem to the ombudsman. That was not there was discussion about it, there was no agreement to it. I will just say personally my experience in our dealing with the ombudsman in a previous complaint that involves Avri when the ExComm met with the ombudsman at the time of the last intercessional my own feeling, and I think the feeling of the rest of the CSG ExComm, was that it was a very unsatisfactory experience.

The second point was, well, maybe the terms could be split between two candidates. I have not gone to legal on this because we have not discussed it. But I have gone back and looked at the bylaws and looked at the precedent for when a Board member resigned in the past. The bylaws do not provide for splitting the term.

There is a procedure for building a vacant term, a term that is made vacant because of resignation or removal. And the past incident where that occurred was when Mike Palage resigned and a new election was called over a period of time and a new Board member was elected.

As far as I can tell from reviewing the bylaws, the bylaws would have to be modified to a loud the splitting of a term. I do not believe there would be support for that myself from the existing Board members. I think they would think we were a bunch of fools.

Let me go on to the candidate whose name has emerged. And some of you know this person. There's been a preliminary contact with him made by Kristina Rosette at the request of the CSG.

The person is Dan Reed. Some of you know that Dan is on the Board - I'm sorry on the Council now appointed by the Nominating Committee. And that is why a few of the members know him.

In addition to that he is the past VP for Trusted Computing at Microsoft. And I know him from then; I know Kristina knows him. I think probably many of your - particularly on the business side some of you may know him or know of him. He is interested.

The question he had is we all needed to come back to our constituencies, you, put his name forward to you and see what your thinking is. The question that remains is can he pull at least one vote from the other side of the house? The second question that would have to be explored, he probably - he will be in a voting seat so he in theory can vote for himself. We will have to explore that.

But in theory he should be able to vote for himself. There is no provision that says he can't. He might have to get a proxy. But he, in that case, and again I've gone back and reviewed the Council rules as best I can on elections and it looks like he would be able to give a directed a proxy.

So let me pause and ask for feedback on the idea of Dan as a candidate if he could bring forward at least one vote from the other side of the house.

Elisa Cooper: So I see that Ron has his hand raised.

Ron Andruff: Thank you, Elisa. I would just like to make a comment about Dan Reed. Being on the NomComm from last year, myself and Stéphane would be familiar with him. I'm not sure if Stéphane is on the call or not today but would welcome him also chiming in.

Can't say too much about this man from a - in so much as a NomComm representative, we have to keep a lot of things confidential. But what I can say is that this man is ideally suited for the Board. He has all of the chops and was very close to being nominated to the Board last year by the Nominating Committee.

So I couldn't speak more highly of his qualifications. I think it would be a very wise choice. And if we could find one or two votes from the other side of the house he would be an exceptional Board member on our behalf. Thank you very much.

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

David Cake: Yeah thanks. I welcome the fact that there are additional candidates emerging. But I would just hope that we might be able to get additional information on the candidate CV and things like that. It's obviously difficult for those of us who don't know the candidate personally to offer an opinion at this point.

Marilyn Cade: Yeah, David, let me respond to that.

Elisa Cooper: Yeah.

Marilyn Cade: Let me respond to that. You are quite right that's why we're coming to you. The good news is he has an SOI that is public and we can get that off the - it's on the Council - I can pull that off and send it.

I didn't want to send anything around until we had a chance to have the call but your point is very well taken. He is a public figure in the sense that there's lots of information out there about him. I will send his SOI around as well, Elisa, if that's okay?

Elisa Cooper: Yeah, I'd just like to interject, I can't imagine us like moving forward with anything without having a similar kind of a call with him like we did with Sam Lanfranco because I - David, I feel similarly. I have not heard this person speak. I understand he's on the Council but I would like to hear directly from him.

So the plan is we're having another call with the CSG leadership this - well tomorrow. And I'm sure that they'll feel similarly that we would want to schedule a call and a call would be open to all CSG members. I see, John, you have your hand raised and Sarah.

John Berard: Yeah, this is John. Can you hear me?

Elisa Cooper: I can.

John Berard: Okay. I don't know that I have an opinion today to offer on him. But for those who are interested in taking about 15 or 20 minutes and perhaps getting a more ICANN specific view of him he is very active on our Council mailing list.

And if you went to the Council mailing list and it just took a look at some of his postings on the IANA transition, on ICANN accountability, on a number of other matters you might be able to get a contextual view of what he might be thinking that could then inform questions when we do have a chance to talk to him.

Elisa Cooper: Since you are on that list and you follow that list, what are your thoughts based on what you've seen him write?

John Berard: Well, he is a fan of more information is better. He does not seem to weight one constituency or stakeholder group view. He presents himself as an intellectual ally of both be contracted and non-contracted parties.

The question that each of us would have to answer, I think, is based upon what we expect of a Board member would he, if elected be seen as - feel that he was elected on his own credential and not as a representative of a particular group? In some respects I think that is what Bill has suffered from especially with be consistent criticism of lack of contact or not reporting back or anything like that.

So I haven't quite decided - I don't know exactly what I think but for those who are interested in some raw material to begin to make a decision on his or her own the Council mailing list is a good one.

Elisa Cooper: Thanks, John. Sarah.

Sarah Deutsch: Yeah, I just wanted to say that I've seen his resume; it's, you know, very impressive. I don't know him personally. He's, you know, he's been subject to criticism because he worked at Microsoft but at the same time he has

knowledge of business needs and a business perspective. So I think in a sense that is helpful. But I would welcome a fuller call so that everyone can talk to him and find out more information.

Elisa Cooper: Yeah, I would support that as well and I will - that will be my position on the call - the CSG call tomorrow.

Marilyn Cade: And Elise, I think actually we are ready have that as an understanding in the CSG. The point of our having this call was to make sure there was enough support from each of the constituencies to move forward with that step. But my understanding from the other members of the CSG was that we would have to follow the same kind of process.

And it would be in the same approach that we took with Sam and that is at this point it's a preliminary candidate exploration. Because the other question remains and that is can he get at least one vote from the other SG since the requirement of 60% is a bylaw requirement.

Elisa Cooper: All right so it sounds like we will have our call tomorrow with the CSG leadership. And I'm sure that Marilyn or myself will send out an update as to next steps. Any other questions before we move on to Steve and a policy update?

Marilyn Cade: Yeah, Elisa, real quickly. I will send to the SOI to the list. If people see questions as they go through the GNSO list I welcome them posting them back so you and I have those questions in mind as well if people come up with questions in the meantime that we should take to the - into the CSG call tomorrow.

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

Steve DelBianco: Hey thanks, Elisa. Marilyn, question for you on the timing of this process and meeting people like Dan Reed and other candidates, is it acceptable for this to be a face-to-face in London before making any firm determination of somebody like Dan?

In other words, why not wait until we can meet the guy in person as opposed to trying to do a lot of this ahead of time? Thank you.

Marilyn Cade: I think we're getting a lot of the pressure. John has let me know that he really thinks we need to get this done. He's not going to hold our feet to the fire but we need to be showing progress. But right now we have a two-step process.

First of all each of the councilors would have to withdraw a candidate and then put a new process in place which might be only one candidate or may end up being two candidates again.

So I think you're right that you're going to have the possibility of meeting with him face-to-face but I don't think we can wait to determine if he's even going to be a feasible candidate.

If you don't think he's a feasible candidate we've got to go forward with some other approach. So I think I'm saying yes you'll get a chance if he emerges as any feasible candidate. And we've got to go through these other steps first. And we have also not formally reached an agreement on asking Bill to withdraw.

And let me just make a point here, Bill continues to be the Board member until there is an election that replaces him. That puts pressure on the other SG to find a reason to compromise with us because Bill could technically stay in

place even after the annual meeting. That's not going to make Bill feel good and it's not going to help us in the long run. But I just don't want anybody to think we're going to have a vacant Board seat, we won't.

Elisa Cooper: Thanks Marilyn. Okay I think we need to actually move on to policy. Steve.

Steve DelBianco: Great. Hey everyone. I sent around the policy calendar last night. If anyone needs me to send that put something in the chat or let me know on the audio and I'll resend. I can run through it pretty quickly and there's a few items we want to discuss.

The first is - John Berard, I see you asking something. I think Marilyn was talking about John Jeffrey.

Marilyn Cade: Yes, sorry.

Steve DelBianco: Okay

((Crosstalk))

Steve DelBianco: All right, hey, on the policy calendar the first item in there was where I listed items that we recently submitted. I've added that to the policy calendar recently because the Business Constituency Website, since it's under the renovation, I'm unable to post things there that that BC has commented on so I continued to remind folks of what we just submitted.

It's also a convenient time to think other volunteers for helping out. The first item on there was our initial comment on the new working group process to enhance ICANN accountability. They extended that deadline until tomorrow

though we had our comment ready and we completed our review by 27 May so I submitted it on the 27th.

I linked to it and also attached it. Again, this was a very process of focused comment. And thanks to John Berard for already forwarding it to the Council list who will still be discussing it at their next meeting. Thanks to Susan Kawaguchi, Phil Corwin and Aparna for helping me out on that comment.

The second item that we already submitted, again, last week which was a comment on the new gTLD process for having policy advisory boards. And this would be for new gTLD strings that are in regulated sectors or sensitive strings. Thanks to Ron Andruff for drafting that. And we had a quick and easy review. And the other two were submitted earlier in May.

So let me jump to the current list of ICANN public comments. First is this notion of an interim reports on internationalized registration data, so this would be non-ASCII character sets, non-Latin scripts, for the information like name and address and email for registrants whether it's in the Expert Working Group registry data or whether it's a Whois the idea is what do we do with non-Latin scripts for registrant data.

Now those reply comments closed day before yesterday. Everyone's been busy but thanks to Elisa Cooper and Tim Chen for drafting a very brief comment. It was the second attachment that I had on this document today. My request would be that Tim and Elisa quickly lead us through the four bullet points of your comments. And I'll get a straw poll from members on this call but I've asked for other members to review and respond by June 1 so that I can get this in on Monday.

So, Elisa or Tim, can I turn it over to you to just give us a high-level discussion so that folks can react to your recommended DC comment?

Elisa Cooper: Yes. So I recommended that Whois detail allowed using free-form text so that there was no requirement that native character sets are used, you know, based on where the registrant resides or the TLD itself that basically, you know, any character set should be allowed and should be supported.

I also recommended that, you know, translation of the field name. So, for instance, where it would say registrant would be translated as well as also shown its standard ASCII characters which would be English but that also be supported, you know, based on I think I said where the registrant resides.

I think then there was - I think Tim added basically a point about not allowing for internationalized domain name email addresses because there's not, you know, there's some lack and support for standards of that. And they don't always work. And I'm not sure I support that.

I do know Outlook, the most current version of Outlook does support internationalized email addresses. And I do think internationalized email addresses will become more prevalent, especially with the new gTLDs.

So I'm not sure if - I don't think I actually support that. But the reason to not allow that is because not all the standards are implemented and there's some potential for those emails not to actually be received when mailing to them or you're not even able to send them.

I think that was the bulk of the recommendations. Tim did I miss anything?

Tim Chen: Hey thanks Elisa. Steve can you hear me?

Steve DelBianco: We do.

Tim Chen: Okay. So yes, my feedback was very consistent with Elisa's. So that was good news. I think on that last point some area of expertise you know, these RFPs and (unintelligible) had to do exhaustive research on it, but in reading through the summary document there's the principles are around usability for the average Internet user in trying to go back to standards that are already (unintelligible) or simpler. And I wanted to be consistent with that.

I also have my own bias probably in here which is that, you know, having worked with Whois data on both in the kind of domain buying and selling industry for years in my previous life and now in the security sector the email field is critically important and one that is used more than any other field at least in my experience.

And so not introducing anything that complicates the ability for business users to be able to utilize that field seamlessly is something that I think we need to defend.

But that's again, it's not - that's kind of bring in my experience so I wanted to make sure that I was very clear that this is my comment. It's not supported necessarily by Elisa and definitely want (unintelligible).

((Crosstalk))

Steve DelBianco: Tim and Elisa thanks for that.

Woman: (Unintelligible).

Man: If people can mute their phones if they're not speaking.

                  Mute their phone if you're not speaking. Mute their phone.

Coordinator: And we're still trying to find the line. One moment please.

Steve DelBianco: Okay that was painful. And can we continue to speak (Terry) or have you
                  muted everything right now?

Coordinator: No we - I believe we've isolated the line. Please continue.

Steve DelBianco: Thanks a lot. Tim and Elisa, thanks for doing that. I have a follow-up
                  question. The third point, the one - sorry, the fourth point the one that Elisa
                  registered some disagreement and that Tim just identified as being a personal
                  preference if the effective that comment Tim makes it easier for users of
                  Whois I understand the desire.

                  However, the BC has for years supported IDM are Internationalized Domain
                  Names not just for bringing up a URL, a Web site but also for email (address).

                  The notion there was that all of the IDN's could be supported for a decade.
                  Once they're out the users of an IDN Internationalized Domain Name will of
                  course want their email addresses to include the Internationalized Domain
                  Name as part of the address. They may even have their name in their native
                  scripts language.

                  So I do feel as if the fourth bullet clashes with policy that the BC has
                  supported as well as something that ICANN is already on record so that the
                  standards for domain names in non-Latin scripts are already established and
                  they're allowed for domain names.

Would you have us step back from that saying okay fine for the domain name, but you're not allowed to use that domain name in an email address. I'll give you a second to respond.

Tim Chen: You know, that's a fair point. And yes I was conflicted before I brought this in but this - since this is the first draft I wanted to get kind of all the comments that I had in the document.

That's the only section that I read a few times and wanted to comment on the on what Elisa had already initially drafted.

It's clear from the (extra) document that they're heading this way and the only real recommendation in this draft was whether or not there should be a transition period.

So I think perhaps I worded it too strongly. But simple point I wanted to raise and get community input on. And if you have a much more contacts than the history of our standards with the BC and with ICANN and stuff that's what the person is telling us we're fine removing it.

Steve DelBianco: Yes I would welcome something that called for a transition period or potentially a parallel email address so that the registrants were invited to give us a - an ASCII Latin script email address as well as an IDN email address for some period of time, something like that or change this from being permanent objection to a temporary one.

I'll take a cue on this one for those - if anyone else is interested. This comment is something that is already overdue. So I am anxious to devote

another few minutes to this see whether BC members can give some guidance to Tim and Elisa.

All right hearing none we're going to have to respond on this over the weekend. And Tim and Elisa I know it's a big ask but I would ask if we could revise that fourth bullet to either call for a transition period of some limited duration or parallel process for the Latin ASCII.

I can respond in writing on that. But is there a chance you'll have a little time over the weekend to help polish this up before Monday?

Elisa Cooper: Yes.

Steve DelBianco: Beautiful. Thanks a lot (unintelligible).

((Crosstalk))

Tim Chen: (Unintelligible) Steve if you prefer. So whatever you want to do with that one, that last one's fine with me.

Steve DelBianco: Okay. All right Tim and Elisa, thanks very much for taking the lead on that. Let me move to the next item. It's the board member compensation. This is number two under PC participation public comment.

Under board member compensation I brought up on our last call that we had a general support for the idea of paying board members the modest amount of compensation.

But the idea is to make sure we get the most qualified candidates. And it wouldn't be a barrier to accepting a board seat if someone was worried about

replacing some small portion of the income they give up for the 20 hours a week it takes to be a board member.

Now having said that what I did when I read the proposal again if the bylaws change it is extremely limited. It only regards three of our non-voting board liaisons there.

The root server systems advisory committee, rep the security and stability advisory committee rep and the Internet engineering task force. It does not include the GAC liaison. They did not want to compensate that.

So my proposal is that the BC endorse the change and then explain in one sentence that we endorse the change in order to attract qualified directors who cannot otherwise devote significant time to ICANN's board participation.

We have until June the 12th. You can respond in writing or let me know now what the thoughts are on that statement.

There were six of you on our last call who agreed with us and that support. And Jay Scott thank you for registering again with the agreement. Appreciate that.

The next item is enhancing ICANN accountability. On this one we've already put our initial set of comments in. The replay comments are due the 21st of June. And this will be a huge topic in London.

I include links there. And I also attached the comments that we submitted.

Now in addition to this we have several individuals who were interested in volunteering. And Elisa I saw that you forwarded those two staff. And all staff did was sort of pump them over to Jonathan Robinson, chair of GNSO.

Now I saw that John Berard also responded to Jonathan Robinson indicating that if we had multiple qualified candidates that it didn't seem sensible to arbitrarily limit it.

I say that because Jonathan Robinson is thinking about limiting it to the four representatives which would've been only one for stakeholder group which is literally one from the BC.

So interested to know what the process and how stringently we want to argue to have multiple business constituency members on a working group. I'll take a cue on that particular topic.

I see Elisa you first. Go ahead.

Elisa Cooper: So this is the issue that I raised with Fadi this morning on the SOAC Leaders call.

And essentially there was support from Michele, from the registrars and I think Christina from the IPC that having Jonathan as sort of the leader of the GNSO was not really representative of the constituencies.

And I so I think the plan is Teresa's going to convene a call, Teresa Swinhart from ICANN staff is going to convene a call in terms of what a better approach might be.

So might be able to sort out a solution which will provide some better representation for us.

Steve DelBianco: Thanks Elisa. As all of you know, the first - the very first call that we submitted on this was the BC was very concerned about the composition of a working group and the notion of achieving parity between ACs and SOs and limiting the participation of a group like the BC.

Next in the cue David Harris and then Ron Andruff. Go ahead, David.

David Harris: Yes, just to say I was glad to hear what Elisa said about the - what to place on the call and definitely support that we continue to press for more representation.

Steve DelBianco: Thanks David. Ron?

Ron Andruff: I support exactly - thank you, Steve. I support David and Elisa as well.

One of the problems that we've been seeing over the last couple of years is that this whole idea we have a CSG so that's enough if we can just send one representative although the CSG being represented of course by three constituencies.

So these kinds of - this move in that direction has to be stopped and it's surprising to me that Jonathan would be the one here holding us back particularly on this particular element because this element is everything that ICANN hinges it's - hinges on is on this, it's accountability.

And so this really needs to be looked at by a broader group and representative group and to make sure that no one group or body can come together and capture that.

So I fully support that and I'm grateful to hear that the fight is on. So, you know, good luck and keep us posted.

Steve DelBianco: Thank you.

Elisa in the comment that we submitted that all of our members approved this is under number one, we've said that we've got experience with ICANN affirmation review teams where everything is completely limited and appointed and apportioned.

But we also had experience with cross community working groups. Many members of this call have been on cross community working groups like that where participation was voluntary and not constrained in any way.

And a lot to contrast those two because we believe that the latter model does produce a true multi-stakeholder group that arrives at, you know, what approaches a bottom-up consensus driven process.

So we should challenge staff. Staff should not pretend that this is a Jonathan Robinson created problem. It was staff and management who indicated there would be appointments made to a group as opposed to volunteers simply joining the working group which is what we typically do on a cross community working group.

((Crosstalk))

Steve DelBianco: I don't think it's fair in other words to put this on Jonathan Robinson.

Elisa Cooper: No it's not. I think they've kind of gotten themselves into a pickle and now they're trying to figure out how to get themselves out.

And I'm hopeful that at the end that the day we'll have a situation where anyone that's interested in participating, you know, assuming they meet some minimal requirement, that's fine, would be allowed to participate.

Steve DelBianco: Great. Great. All right so let me move on to say that the next phase here is for us to answer the six (dozens) of questions that are posed for us before June 21.

And I'm going to look to the volunteers who want to be on the working group to assist in the drafting. What I'd hope to do is to circulate a draft early next week.

Based on previous discussions and I would believe that we would focus the BC's attention on the reviews. But we know that the affirmation reviews we either need to make new agreement, the affirmation 2.01 or move those reviews into the bylaws.

There's a lot of concern about bylaws that the board can change with 2/3 of the voting members of the board.

We also know the BC's concerned about true independent review right, an independent review panel that's permanent, a process for reconsideration or ombudsman that have to be approved.

Andrew Mack volunteers to analyze ATRT1 and 2 for recommendations that ICANN failed to implement. We can bring those back to the top of the stack.

And I'd like to call folks attention to the fact that ICANN's articles of incorporation are really tied very closely to its status as a California nonprofit public benefit corporation.

If Fadi gets his way with the board's approval and they come up with a new legal structure and potentially move out of the United States and California those articles well, they've got to be imported into whatever new international structure.

So it may not be safe for us to just move things like the affirmation reviews and independent review into the articles of incorporation and bylaws.

We may need to consider a new agreement, some sort of a new commitment that ICANN makes that the world can hold us to.

So we're going to be discussing that extensively over emails to get that draft circulated. I see David in the queue.

David Harris: Steve, thanks for putting so much thought into this and the challenges that we have around the articles of incorporation in the bylaws.

And I think your idea of thinking about whether there is a third type of document that we need to consider that would bind ICANN is very a good one.

I think we are all on board from our past positions about the need to ensure ICANN's accountability, especially in a post-US G IANA world.

So thanks for thinking about that. And we are definitely supportive of considering those points that you just made.

Steve DelBianco: Thanks David. That new agreement is not unlike what they already have today as registry registrar contacts and their acclamation of commitments.

So there are at least three kinds of documents that we can use to bind ICANN and hold them accountable.

All right folks I'll jump to the last item here which is this draft operating plan and budget.

(Jimson) has already circulated two points he wants us to make. These comments are due July the 1st. But if we get them in before London the idea is the BC could then take a position at the mic in London in public forum.

So (Jimson) is questioning a 30% increase in personnel costs, questioning whether there was a critical needs analysis done which I think that's an excellent point and the BC would like to support it.

And then (Jimson) asks what savings projection supported enterprise system architecture to provide through this draft plan? I don't understand that one. I'll have to ask (Jimson) to clarify.

(Jimson) I don't see you in the list and I don't know whether you're on the voice line. Are you there?

Elisa Cooper: He sent his regrets.

Steve DelBianco: No worries then. We have plenty of time to follow- up on that but please give
(Jimson) the time that this issue deserves when it comes back around.

Do we have any volunteers for number five which was the determination of
granting registrars requests to get a waiver from the data retention
requirements under the new RAA?

This again is a waiver that we get done because the nation in which that
registrar's working has privacy laws that would require them to change, you
know, that are at odds I think with what ICANN requires. Any volunteers to
help with that?

Those of you who use Whois extensively -- I'm looking at you, Tim (Chen).
And we need your guidance. I am asking not asking you to draft a comment
but we need your guidance to understand the effect of which this waiver
would make it very difficult to do what you need to do with Whois
(unintelligible).

All right we can move to the next one, which is still Tim. Thank you. Thank
you for taking a look at this one. This is item five on my list. Just look at it
Tim and get back to me with your thoughts on that.

Number six was Whois in conflict with national laws, very similar to Number
5 by the way. And the initial comments are due a day later on the 12th.

Tim when you review Number 5, which you please take a quick look at
Number 6? And is there anyone else on the call who would be willing to assist
the Number 5 and 6? This is national law on how they conflict with
requirements in the RAA and Whois.

I'm watching that David Ferris is typing and he might even be indicating volunteering. John Berard, you have a check mark. Can I take that as a volunteer?

John Berard: You may.

Steve DelBianco: Thank you, John.

On the final one in here is the Strat plan, the five-Strat plan. They say comments are due by the 27th of June. I know Chris Chaplow is currently drafting and I don't see Chris on the list today so we'll kind of pick that up next time.

That's it for that section. I'd like to turn it over to John Berard and (Gabby Slack) our BC counselors to go over the agenda and motions for the upcoming council meeting which is going to be the 5th of June. It's next week. And thanks David also for volunteering. Appreciate it.

Over to you John Berard.

John Berard: Thanks. Thanks Steve.

Thanks Steve. (Gabby) are you on the line?

I know (Gabby) was not feeling well today and in fact she had originally sent her regrets because of a competing event. But because she was ill wasn't attending that. And I thought when I spoke to her this morning she (unintelligible).

There are a couple of interest - first of all can I be heard?

Woman: Yes.

(Gabby Slack):   Just to note that (unintelligible) here, but we have a really, really bad connection. So I - that's all the time. Sorry for that.

Steve DelBianco: (Gabby) this is Steve. It's one of the better connections you've ever had. We hear you loud and clear.

(Gabby Slack):   Oh but that was just possible for other mess that we had some years ago and had some change from Adobe to Skype. It's a whole mess. So I'm glad that you (unintelligible) me fine.

Steve DelBianco: All right, well I'll be quick as I can. Of keen interest I think of the BC the motion offered by Volker Griemann from the registrars acknowledging the close of the study phase of the GNSO Whois policy work.

I was almost shocked myself when I realized that we had reached the end of this particular road because it has been about six years' worth of work mostly at the urging and nudging of the BC to get these studies funded and conducted.

And so this motion, which I may even second at some point before the meeting will acknowledge that work and encourage its incorporation into the other activities.

In fact for the London meeting I have proposed that we invite someone from the Expert Working Group. It would not be my invitation to make but the vice chairs who put together the meeting who would like someone from the Expert Working Group to talk about how the GNSO studies have been, can be made

a part of the ongoing work so that the research is not only done but that we benefit from it.

So I think this is a high water mark in terms of having been able to get things done. But now the even harder work comes in making sure that what was uncovered is incorporated to the extent that it can be.

The other two motions that are on the agenda are both related to the continuing work to resolve the differences of opinion between and among the GAC the board and the GNSO council with regards to rights protection for intergovernmental organizations.

As you know there was a unanimous vote of the council to provide a certain set of rights. They were at odds but what the GAC had recommended fell to the board to resolve. The board I think as those of you who were in Singapore heard is continuing to assess its options.

And what we're intending to do at the G5 meeting is to offer a motion to accept the issue report that has been created and then also a motion to in panel a working group to assess how - if and how the URS and UDRP should be modified to accommodate the requirements of the intergovernmental organization.

I suspect that there will be a number of BC members who should that working group be created will want this.

I believe that it - that both those emotions should be passed so that we can continue to keep this issue alive on a broad base and not allow it to be, a decision of any - a board decision, for example.

I think the community still has quite a bit to say about this.

Now those would be the highlights. There will of course be a continuing discussion about Internet governance which will be robust and indecisive as it has been in the past.

I certainly will take any questions anyone has but...

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

Steve DelBianco: John and (Gabby) thanks very much. John on your first point with respect to the Whois study the primary way in which they get integrated into the work that we do is that we can cite the findings and the facts from those studies so that we are fact-based.

And we're pursuing things like IRD to what Tim and Elisa discussed at the beginning of the call. And on Numbers 5 and 6 where Tim, (Chen), John, yourself John and David Ferris are going to help out.

Those are the instances, the perfect opportunities to reach back into the studies and quote the fact as opposed to mere conjecture about how Whois is used how Whois potentially abused.

But thanks John - appreciate and support your point that we should agree - we should support the motion.

John Berard: And (Barbara) or Elisa. Excuse me.

Elisa Cooper: Yes. So just go to put some additional context so that members who are not following that closely understand what's going on.

With the IGO and NGO issue what's going on is that there's this very large list of, you know, international non-governmental organizations that want their organization names put on to essentially block lists so that they are not allowed for registration at the second level.

And I think that we all at the - on the council felt that that was fine and we agreed to that.

But what was not agreed to at the council level was protecting that acronym.

Many of the acronyms for the organizations spelled out like actual words. And many of them probably presented IP issues because they were used by companies, not necessarily the same organizations that were listed on this list of NGOs.

So John where - like what's going to happen with that particular issue? Is that what this issues report is supposed to dive into?

John Berard: Yes that is one of the key points of differentiation between and among the views of the groups.

The board wants this to be solve so it does not have to employ I guess what my view is a nuclear option which is saying no to the GAC with explanation or saying no to the GNSO council in the face of a unanimous vote which I think is even more problematic for the board.

So that's why it continues to linger and that's why this effort is increasingly important because not only will it - could it solve the problem in a way that addresses the community, a broader community set of concerns but it also

prevents the board from having to make a move that would be seen as - well, it would be a fairly serious move for the board to deny a unanimous policy vote of the GNSO council.

And in the current political environment it would be a bit of a blow for the board to say no to the GAC.

Elisa Cooper: Yes. Well I think this is something we have to watch carefully because, you know, some of our member's IP right might be at issue here especially because what's happened with these acronyms they've all been put onto, you know, the reserve list for all of the new gTLDs so all of these acronyms are not available for registration.

If it turns out that they will be made available we have to make sure that they're subject to sunrise periods.

John Berard: Okay.

Elisa Cooper: So at any rate...

John Berard: That's why I think we should encourage as much BC participation in what I believe will be in paneled working group as possible.

Elisa Cooper: But is that working group going to just be focused on the you said UDRP and URS or is it going to be focused on the entire set of recommendations?

John Berard: It will be focused on should there be changes to the UDRP and URS? So you still have that specific. Now if we want to expand it there's no reason why we couldn't offer a friendly amendment to do just that and so certainly that's something to be considered as well.

Elisa Cooper: Yes, I man I'm personally concerned about that issue of the acronyms but okay.

All right thanks John.

John Berard: Yes, you're welcome.

Elisa Cooper: Any other questions or comments? We're just at about time.

All right, so you should expect to see from me a requests for topics that we should be thinking about for our agenda in London.

I want to thank everyone for attending the call today. And we will speak again soon. And as always thank you everyone for your participation. It's a very much appreciated. So have a great day. Thank you so much.

Man: Thanks all. Bye everyone.

Man: Thanks everyone. Thanks Elisa.

Coordinator: (Unintelligible) if you could please stop the recording. And thank you everyone for joining. Please remember to disconnect all remaining lines at this time.

END