

ICANN

Moderator: Terri Agnew

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11:00 am CT

Coordinator: As a reminder today's call is being recorded, if you have any objections you may disconnect at this time.

Terri Agnew: Thank you very much. Good morning, good afternoon and good evening. Welcome to the BC members call on the 17th of July, 2014. On the call today we have Gabriella Szlak, Elisa Cooper, Andy Abrams, J. Scott Evans, Marilyn Cade, John Berard, Steve DelBianco, Cheryl Miller, Brian Huseman, Cecilia Smith, Tim Chen, Laura Covington and Samantha Demetriou. I would also like to remind - oh and from staff, myself, Terri Agnew.

I would also like to remind all participants for transcription purposes if you can please state your name before speaking.

Thank you very much and back over to you, Elisa.

Elisa Cooper: Thanks, Terri. And thanks, everyone, for joining today's call. We have a lot of information to get through today. And I want to start off by telling you about a few things and those things include, one, my call with Fadi this morning.

We had our monthly SO/AC leader call so I want to tell you about some important information that I learned on that call. Then I want to tell you about a couple of elections that are going on within the BC, make sure you're all aware of that. And then I want to make a special thank you to Steve for some of the policy work and administrative work that he's done for us recently.

So let me start up though by telling you about my call with Fadi this morning. So as you know he hosts these sort of monthly calls with the SO, AC and SG leaders. And typically, you know, he gives us an update and he provides us with, you know, sort of usually a recap and we know about most things that are going on.

But I learned two really interesting things: One, he wanted to give us a heads up that - and this was a little bit cryptic but he wanted to give the leaders a heads up that the stewardship, the IANA stewardship, was going to be passed on to a larger community. And this was something that would be announced at the end of August.

And there really weren't any questions about it. He was very cryptic about it. So obviously something is brewing. And I know exactly what and I don't know how the coordination group plays into this larger group that's going to take on the stewardship. I'm sure it's all very political. At any rate so I think obviously we'll be hearing a lot more about this. This formal announcement, I think he said is slated to happen at the end of August.

The other very interesting thing that we discussed at length on the call was ICANN accountability and exactly what was happening with that working group. And I think there's been a lot of confusion and a lot of it actually has been generated from ICANN staff.

When they put out their request for information for the working group when we answered those questions about accountability there was sort of an implicit assumption and request that there could be or would be a working group formed to address ICANN accountability.

Well after the call today with Fadi and Theresa, what they're now asking is that we sort of hold off until ICANN staff comes back with an analysis of all the comments that were submitted and answers to those questions that were submitted. And I believe that they are going to come back with some analysis and some recommendations based on the comments that were submitted about how ICANN accountability rack should move forward.

So all this work that we've been doing to try to determine who would be on the working group and how big the working group would be, they really kind of asked us to work in unison with staff in a more unified effort. And so I told Fadi that I personally would - could be supportive of that and I would bring this information back to you.

But I think if they are in the process of doing this analysis on the comments that certainly we should see what those comments are before we undertake any more effort and see exactly what is being proposed.

Any questions about my call with Fadi? So there will be a transcript. And as soon as I receive that I'll send that to everyone so you can see exactly what was said but those were sort of the two highlights.

Marilyn Cade: Elisa, it's Marilyn. I do have a couple of quick comments.

Elisa Cooper: Yes.

Marilyn Cade: One, I'd really like to support your last point. I think it was amazing actually that we did the public comment and then, you know, where we just, you know, I think this is a very positive step that they're going to analyze the comments and publish the analysis and then put forward a proposal on how to proceed.

Myself, I personally think there probably does still need to be a cross community working group but I think it's essential to have the analysis first. And that's also a labor-saving for all of us I think. So that sounds very productive from my own point of view. And I think it will also help us in dealing with this potential duplication of work issues with the coordinating group.

I'm just going to make a comment now about the first item. There's two interesting things brewing. Something came up at a very obscure level at the IGF USA yesterday. References were made for the readiness of the launch of the NETmundial alliance and how that will potentially be able to take on other kinds of work.

There was no detail. That comment was not made by ICANN staff. And ICANN staff didn't have any other detail. It was made actually by a government official who indicated that ICANN staff had been speaking with them about progress of that NETmundial alliance. I don't know if that has anything to do with his announcement. But I just share that since it is kind of a background factoid.

There's probably one other thing that would be useful for people to know. I don't know if Steve is on the phone yet. But there is the likelihood of a GAO study. That's very customary in the United States; it's happened before. The question of whether it could be done in six months or a year is still pending.

But I wouldn't be surprised. And I know that the ICANN staff are very much aware of that and maybe including that awareness in there - in the thinking about the need to have additional awareness by others about the stewardship issue.

Elisa Cooper: Okay thank you. I see there's a couple of questions. Let me just get through the other quick comments and then I'll take those questions. And I would just ask, because we have so much to cover today, that we do try to keep our comments brief.

Two other things I want to tell you about, we are going to be initiating a nomination period to elect the two seats for the Nominating Committee. That nomination period will open up next week and it will be open for two weeks.

I sent out the formal procedures for it. I think it's all pretty clear in there. We are looking, again, to fill two seats; one to represent large business users and one to represent small business users. And we will be doing an election for that.

The second election that we need to have will be sort of a less formal election. And I'll send out some guidelines for that. And that is to elect someone to our Credentials Committee. We currently have two members who have expressed interest in filling that role: Martin Sutton and (Mohamed Matouf). So I will send out some information about that, again, next week.

And that will, again, will be a sort of less formal election where you can just send to the ExComm list your preference.

And the final thing I just want to take a time out to really thank Steve DelBianco. Obviously, I mean, he's done just a tremendous job with all of the positions and all the work around that. And he recently uploaded to our Website all of the positions that we have created in this past year. In the past that was something that we had the secretariat do but because we went through the process of implementing WordPress, which is a content management system, Steve was able to do that himself.

But it was still a tremendous amount of work. And the thing that I really wanted to point out was that we have already submitted more comments this year than we did last year and we're, you know, we're just a little over halfway through the year. So we've really done a tremendous amount of work.

And even last year we did twice as many comments as the year before. So, I mean, the amount of work that Steve has really undertaken has just been tremendous and I just wanted to take a timeout to really thank him for that.

So that's all I have. I do see, Phil, you have a question or a comment so.

Phil Corwin: Yes, very brief. You know, the jury is out, let's wait and see what happens but my reaction to the information you just conveyed about what Fadi said is one of concern. I think it further separates the scope of the - the scope and participants in the group on the transition versus accountability. And I've never accepted ICANN's rationale for that distinction. I think it's one and the same.

And, second, the delay in the accountability process when today the transition group is having its first meeting in London, increases the chances - well it's going to make it more difficult for these things to proceed tied together. So I have concerns about this but let's see what else happens.

Elisa Cooper: Thanks, Phil. I agree, we have to watch it closely. I would like to be respectful of his request that we wait to hear from - to receive the analysis first before we move forward with creating this cross community working group. But I agree that the two are inextricably tied together and we need to see how that will be addressed.

Other comments or questions about anything I've said, about Fadi's comments, about the two elections? Okay.

Steve DelBianco: Elisa, it's Steve. Quick question: Did Fadi mention the Friday in London the Board met after we all finished up the meeting to discuss what to do about France's fit...

Elisa Cooper: No.

Steve DelBianco: ...over...

((Crosstalk))

Steve DelBianco: Did he mention anything about what's going to be done to remedy that situation?

Elisa Cooper: No, he didn't. No. Any other questions? And again, I'll definitely send out the transcript just as soon as I receive it. So at this point I'd like to turn it over to

Marilyn to give us an update as to where we were at with the Board elections for Seat Number 14 on the ICANN Board. Marilyn.

Marilyn Cade: Thanks, Elisa. I feel like it's a recurring update, right? So I have reached out to both IPC leadership and ISP leadership to ask them to share information with Elisa and I on the feedback from their members after the call.

As a recap, we all recall, many were able to join the call and thanks to the BC members for their great turnout. We had a call with Marcus Kummer who's been proposed as a compromise candidate. And the transcript was shared with you guys. Special thanks to the ICANN staff who really accelerated the transcript. We had it the same day and everybody's had a chance to read it now if you weren't able to be on the call.

It would be - I did see some of the officers of the NPOC and others here at the IGF USA informally. And I'll make a comment on that in just a minute. On the formal side of it we were advised formally the officers of the ExComm were advised formally by Rafik that Dan Reed was not accepted by them as a compromise candidate.

Remember, actually that we didn't formally propose Dan. Dan approached them himself because we felt that was better for him to be able to get support from them. The NPOC does not - sorry, the NCSG did not accept him as a compromise candidate but they did come together and put forward Marcus as a compromise candidate.

And what I learned yesterday informally was that the thinking was, on their part, that Marcus had worked in this space for a number of years and their hope was that he would be viewed as a candidate that had no specific affiliation to any group.

Apparently Dan is viewed by some of them because of his time at Microsoft as perhaps being more aligned with the corporate sector even though he comes from an academic background.

The - they have told Marcus that he has five votes and the one vote he does not have is an abstention. So right now what I'd like to do very quickly is see if there are any immediate comments and feedback from BC members. Marcus has offered to do another call specifically with the BC if we ask for that.

He's also offered to take further written questions if we ask for that. And, Elisa, if we could just take two minutes quickly to see if anyone has comments. The next step will be to hear from the IPC and the ISPs if he's an acceptable compromise candidate to them.

With five votes from the NCSG he would need at least three votes from our side of the house. His preference would be that he would be able to gain broad support from both sides and not be viewed as a candidate who has affiliation to either side. But right now I'm waiting for shared feedback from Tony to Elisa and myself and from Kristina and Steve to Elisa and myself.

Quickly, any thoughts or comments from members after having the call with Marcus?

John Berard: Hey, Marilyn, this is John.

Marilyn Cade: Yes?

John Berard: So except for the fact that Marcus knows that he needs to be more in touch with the NCSG I'm grappling with what the differentiation is between Marcus and Bill at this point. I mean, as long as Bill is willing to stay on board, I mean, do we really need to rush into yet another compromise candidate?

Marilyn Cade: I'm happy to answer that. I have been contacted by Bill. Bill is not willing to stand in any way and he's not willing to continue.

John Berard: Well I guess that answers that then.

Marilyn Cade: Yeah.

Cheryl Miller: Hi, this is Cheryl Miller from Verizon. Can I get in the queue?

Marilyn Cade: Please. Yes, Cheryl.

Cheryl Miller: I would be happy to do another call. I think we felt comfortable with Marcus's comments and Verizon is happy to support as well. I don't know if I made that clear if I needed to email someone but happy to do another call as well. I think his comments on communication were what we're hoping to hear; we want to have close communication. And I appreciated the fact that he did outline areas where, you know, he would be willing to really get further up to speed and get running. So thank you.

Marilyn Cade: Anyone else?

Barbara Wanner: Excuse me, Marilyn. This is Barbara at USCIB. And I apologize, I do echo Cheryl's comments. USCIB has been comfortable with Marcus's candidacy and we were pleased with what we heard on the call. But we're certainly open to an additional call too. Thank you.

Marilyn Cade: I would ask all of you guys to think about what else we would ask him. Because I think, you know, he's happy to do another call and I think the more members get acquainted with him, myself, is the better. And he also made a comment which I thought was kind of interesting, he did tell me he was surprised to hear that we didn't have regularly scheduled in depth calls with both of the Board members. And he just assumed that was a requirement.

Which I thought was interesting and maybe a lesson learned for us about our more formal communication. Is there anyone else who wants to make a comment about Marcus? Do people feel comfortable with Elisa and I conveying that we hear general support for Marcus? Are members...

Elisa Cooper: So - so I see Susan and Steve in the queue. And before you take those questions I just did want to - I saw that J. Scott had put into the chat a comment. And I don't think he's able to come off of mute and so I just wanted to read that comment and then we should take Susan and Steve if that's okay with you, Marilyn.

Marilyn Cade: Oh of course, sorry. I didn't see them in the queue. And I'm hoping we can hear from J. Scott. I just now saw his chat, somehow it was delayed. Shall we do - shall we ask J. Scott if he wants to type more if he can't come off mute and then go with the other two of you?

Elisa Cooper: So I'll just read his comments which are as follows: "I don't think he is necessarily anti-business. His concern is that he may not be the most proactive proponent for business." Also...

Marilyn Cade: Okay.

Elisa Cooper: ...J. Scott says, "I think that he knows ICANN but I'm not sure he is any better for business."

Marilyn Cade: I got it. Thank you. I am going to ask a question about that but I want to take the other two comments. Steve.

Steve DelBianco: Marilyn, I was agreeing signifying that I agreed with you and Elisa conveying the general BC support for Marcus. And I've known him for about 10 years and I do support him as a Board candidate from the GNSO.

Marilyn Cade: Okay. And I'm sorry, Elisa, I can't see who the other person is who's raised their hand.

Elisa Cooper: Susan has her hand raised.

Marilyn Cade: Oh, Susan, thank you. Susan.

Susan Kawaguchi: Hi, Marilyn. So I'm just curious about your comment about Bill Graham and forgive me because I do - I am confused by this whole process. So he is currently in that position but is now saying he would not run for another two years? Is that it?

Marilyn Cade: The Board term is three years.

Susan Kawaguchi: Okay.

Marilyn Cade: Yeah. Let me explain very, very quickly what happened. And I know our transcript is private so I'll just quickly recap it. Just so the history real quickly for people is that we came together after much discussion in the CSG and agreed to support Bill.

The NCUC put forward Avri Doria. In the election neither of them got the 60%, right? So the big question was...

Susan Kawaguchi:Right.

Marilyn Cade: ...do we rerun the election or what do we do? The decision was made to no rerun those two candidates against each other and we then tried shuttle diplomacy to see if we could get Bill more support for Bill.

As it turns out we could not. And in the course of this Bill increased his engagement - his efforts at engagement with the NCUC and the NPOC and found himself unable to - there were comments shared with him about the fact that he had showed no interest in their work, he hadn't attended their meetings, he was - although he met with us he had made no real efforts to meet with them.

That is actually kind of fair comment. When I talked to him about this he indicated he had occasionally sent emails but he hadn't insisted. And he hadn't gone and sat in their meetings. And so this situation emerged where they were pretty dug in on support of Avri.

Then the NPOC had negotiated an agreement with them that they would support Avri and if she didn't win on the first round they would get to put forward a compromise candidate. That was Sam. We went through the process of interviewing Sam.

Sam was not acceptable to us and not...

Susan Kawaguchi:Right.

Marilyn Cade: ...not acceptable by the way to the NCUC at all which is something probably that wasn't that visible but was a big problem internally. When Dan emerged and we went through the process of, you know, talking among ourselves Dan wasn't that well known by the IPC or the ISPs, blah, blah, blah.

We carefully considered him. We urged him to go and speak to the NCSG and he was unable - during London - he was unable to establish in depth discussions with them. They were not interested in long interviews with him. They did not find him a candidate that they could support.

Susan Kawaguchi: Okay.

Marilyn Cade: And he also had done no work - he also had done no work in establishing any kind of interaction with them which they were also able to be critical about. So Marcus was put forward, I think, as a gesture of compromise from people who feel that they're really tired of there not being a candidate that both groups can talk to and talk to equally with a trust that there will be attentiveness and willingness to invest the time.

On the Bill thing, when I talk with him - Bill's feelings are very hurt but he also has at least in his private conversation with me, accepted the fact that he's not done a lot to engage. He hasn't asked to come to calls. He hasn't sat in meetings. He hasn't reached out aggressively. He's been very responsive when we've reached out to him.

Elisa Cooper: Marilyn, I'm sorry, I don't mean to be rude or interrupt you but we do have a lot of policy information to go through today. So I'm wondering, can we take the rest of this conversation or any other details that you want to share about the election to the list?

Marilyn Cade: Of course. I was...

Susan Kawaguchi: I think you answered my question, Marilyn, too. I appreciate the background.

Marilyn Cade: Thank you, Susan. I'm sorry, Elisa, I didn't mean to take too much time, I just wanted to be responsive.

Elisa Cooper: Yeah, no totally understood. So I think the next steps are we do need to meet with the full CSG to see what their thoughts are and then we'll report back as to whether or not the IPC and the ISPs are supportive of Marcus as well.
Thanks, Marilyn.

Let's move on to policy. Steve.

Steve DelBianco: Thanks, Elisa. Everyone, I sent around the policy calendar, an updated one last night. Sorry to raise the alarm with the wrong date on the first one. But if we can jump there. The first section under Channel 1, on public comments.

First thing I wanted to flag for you was that you all were well aware that we filed our final comments on enhancing ICANN accountability so of the 55 comments filed I believe ours were the most substantive and specific.

And I do hope that when staff summarizes those as Fadi told the AC/SO leaders that staff was working on it right now, I hope they summarized us adequately and fairly and not try to omit some of the specificity we put in there. So when that summary comes out I'll be anxious to have us evaluate whether staff treated us the way we needed to be.

Now, Angie Graves, are you on the call today?

Angie Graves: Steve, hi. Angie here.

Steve DelBianco: Hey, Angie. You contacted me earlier about potentially volunteering to do a little bit of an analysis of our own on the 55 comments on accountability, is that something you were still interested in doing?

Angie Graves: I have about 75% finished it. I was hoping to be finished before the meeting today but will be this afternoon.

Steve DelBianco: Angie, I was so helpful to us when you did that earlier on the ATRT comments so when that's done please circulate to list so we'll all have a chance to compare and contrast ours and the other 54 that went in. And it'll be great to compare your summary with what staff produces some time in the next three or four weeks. Thank you, Angie.

Angie Graves: Thank you, Steve. Will do.

Steve DelBianco: Yeah, let me go to the current public comments. This is on the bottom - middle of Page 1. On the first one there have been - this was a study to evaluate solutions for the internationalized registrant contact data. So these are non-Latin script registrant names and registrant addresses.

And we commented on June 4 on their interim report. And that study was completed. They want reply comments by next week, the 24th. There's not a single comment on the study that has been filed at the ICANN Website.

So what I would ask is there anyone on the BC call today who uses a lot of Whois data and is familiar with challenges when the Whois data is not even

using the Latin script and can they potentially review that study and get back to the BC about whether we should comment on it? Looking for a volunteer.

Susan Kawaguchi: Steve, this is Susan, I'll review it. Can you send me a link to that though?

Steve DelBianco: Susan, do you have my policy calendar?

Susan Kawaguchi: I will pull that up.

Steve DelBianco: If you do you'll see that there's a link right in that line. This is line number...

Susan Kawaguchi: Okay.

Steve DelBianco: Item Number 1. Thank you, Susan, appreciate it.

Susan Kawaguchi: No problem.

Steve DelBianco: And, Susan, thanks again to you, Tim - go to the second item, to you, Tim Chen, John Berard and David Fares. You've all been working on BC comments addressing the question of Whois and conflicts with national laws. This is near and dear to the BC's heart.

Susan, Tim, and John worked up a couple of pages of comments, David Ferris added a page from 21st Century Fox, and it falls to the four of those guys to integrate those into a comprehensive comment that the BC can circulate to members to review.

Its comment period closes August the 1st. You've all had these two draft documents in your hands for over a month, but I realize that we'll all want to take a fresh look at it when Susan, Tim, John, and David consolidate this.

Tim Chen, I know you're on the line as well, did you have something you wanted to add?

Tim Chen: Hey, Steve, can you hear me?

Steve DelBianco: We do.

Tim Chen: Yes. I think I sent you a private chat on this, but I believe that David's very well written draft represents the comments that Susan, and John, and I had initially made, so I believe that that draft is in pretty good shape. I personally don't have any further comments on it, but I was under the understanding that we were just waiting for any BC community input before calling that fine.

I know David, who's on the call, can correct me if I'm wrong, but I believe that's the state of the document right now.

Susan, is that was that your understanding?

Susan Kawaguchi: You know what? It's been a crazy week, so I had not looked at David's draft, but I will, and I trust your opinion. But I'll take a look at it today.

Steve DelBianco: Hey, great Susan.

So this is Steve, and second attachment to my policy calendar. The first and second. Please just review the first and second, and if you folks agree that the second attachment represents the draft BC comments, then we'll ask members to just focus on that one and try to get it done. There should be no problem at all getting a formal review and having it on time.

If the second attachment is the only one I need to worry about, would you guys let me know via email sometime today?

Thank you.

The next one is Item 3, which is the .wed registry. They have proposed a registry services evaluation policy, or RSTEP, because they'd like to be able to sell third level domain names. They've already got .wed, but they have a whole list of second level names like Dresses.wed, Cake.wed, et cetera, and they want to be able to then sell - to manage those and then sell third level names below Dresses.

So it would be ShopsName.dresses.wed. Bakery.cake.wed, and their proposal requires that they modify their registry agreement.

And we do need somebody to evaluate this to see whether they would be obligated in any way to claims notices. Is there any potential intellectual property concerns with the third level? Can ICANN continue to enforce URS and UDRP on what happens at the third level? I think this will be an interesting set of questions.

There have been plenty of people that manage third level domains. The US.com for instance is a huge subdomain.

So who on the call has enough expertise at this that would be willing to review their proposal and see whether there are considerations for the BC?

Their amendments are minimal. This isn't an extensive amount of reading or writing, but it does take some creative thinking.

You guys are determined to outlast me today, huh?

Okay, we'll move on to the next one.

The draft roadmap for - I'm sorry, there's an approved launch program for .Paris, and they do include a sunrise for trademark clearinghouse names. I don't believe the BC should have any concern at all with that, and I don't propose that we comment on Number 4.

Woman: Oh, Steve?

Steve DelBianco: Go ahead.

Woman: I'm sorry. (Unintelligible) - I just want to let you know before you move on, J. Scott volunteered for the .wed review.

Steve DelBianco: J. Scott, thank you very much. I'll put you down for that, and contact me, J. Scott, if I can be of any assistance at your initial review and I'll help you to draft and circulate the evaluation you come up with.

Thanks, J. Scott.

So .Paris, unless somebody speaks up now, my recommendation is we leave that one alone. It looks fine.

Let me go to the next one. Two character domain names, which were not allowed in the new gTLD round. There is a proposal from 143 Donuts TLDs and five others to allow two character domain names at the second level. All of them have proposed not to allow any of the country codes at the second level, and they define that as anything in the ISO 3166-1 table.

I don't see any concerns there except for this - have all of those folks who've participated in the trademark clearinghouse - have you all been putting your two character trademarks into the clearinghouse along with your other trademarks? I'll pause for an answer.

Marilyn Cade: Steve, it's Marilyn. In addition to that, I have another question that relates to the third names at the second level.

Steve DelBianco: Okay. Marilyn, just give me one more moment.

If any of you have worked with the clearinghouse, did the clearinghouse accept two character trademarks?

Woman: As far as I know, they do. I don't think it's an issue. The clearinghouse is - you know, if a company wants to participate in you know the registration of a two character TL - you know registration, I think that you know probably there'll be enough time that if a company wanted to submit they can get it validated by the clearinghouse in time.

I guess the question is will these two characters be subject to a sunrise period first?

Steve DelBianco: Exactly. Will they be subject to it and will there be a broad enough awareness amongst all the companies who participated months ago in the clearinghouse to know that they may have to come back and add their two character trademarks as well?

Woman: I'm not so concerned about the awareness because I think the corporate registrars would notify their clients. I know that we would, and I'm sure CSC and Net Names would do the same.

Steve DelBianco: And I agree with that.

And (Samantha) just weighed in on the chat that some of Fairwind's clients have registered two character in the trademark clearinghouse and that they were accepted there. That's good news.

Woman: Yes. I think it's an issue about again is there going to be a sunrise?

Steve DelBianco: Right.

And that's an excellent question. And your point about the big registrars and service providers is a good one, but I do understand that there are perhaps companies who didn't use a Fairwinds or MarkMonitor, but went ahead and participated directly in the clearinghouse. And, they're the ones who may not hear it from MarkMonitor and Fairwinds, so there might be a broader notification requirement that we would want to impose on ICANN.

So I've noted the sunrise point, the communication point, and now I'll go to you, Marilyn.

Marilyn Cade: The - I just want to flag to remind all of us this sounds like we don't have a problem right now, but we do actually have - we may need to keep an eye on the reserve name consensus policy issue. We don't have reserve name consensus policy. We have reserve name working group recommendations. The thing that we're safe on is the two letter country codes because they're tied to ISOC.

But in any future round, if this looks like a big problem that this particular approach doesn't solve, we would probably need to re-pursue turning that into consensus policy at the gTLD level on two level strings that are associated with trademarks.

Steve DelBianco: All right.

And so I take that as a really good observation for future rounds, but probably not going to be relevant to this particular comment period, right?

Marilyn Cade: Exactly.

Steve DelBianco: Okay.

So the notice and sunrise, Elisa, you brought up the sunrise issue. Can I ask your help for us to quickly look at that registry proposal? It's in the link that I provided. And, we can determine whether sunrise is going to be there, and maybe you and I come up with the comments?

Elisa Cooper: Yes.

Steve DelBianco: Thanks, Elisa.

Number 6 was really just a promotional campaign ongoing to create urgency around making sure that the client side tools used to access the domain name system, things like browsers and email clients, are not going to have problems with long TLDs, with brand new TLDs, or IDNs. We've always agreed that universal acceptance is important. I don't see any need for the BC to comment on Number 6.

And that's good. Let's move on.

The next one is the big topic of our week, which was the BC being very concerned - this was raised by Elisa and many BC members when we were in London. The big concern that any domains that were on the collision block list, which happened to also be trademarks and names of companies, were then subject to 90-day hold periods where some registries wouldn't allow a sunrise registration.

And then they get to the 90-day collision period and they would release those names without subjecting them to sunrise or claims at that point in time.

There was an effort led by Andy Abrams of Google. He drafted an excellent letter to ICANN's Board informing them of this problem, this gap in policy of RPM and asking for specific solutions.

A number of folks contributed to that letter, and I know Elisa had plans of trying to get the IPC to agree with us.

In the middle of that process, I had suggested we potentially seek the registries out to see if they want to solve the problem with us as opposed to us telling the Board to impose a solution.

And then, I believe the registries reached out directly to Elisa, and Elisa why don't you pick it up from there and tell us where we are and maybe we can decide where to go given that the new gTLD Program Committee will be meeting tomorrow. And, this is the first item on their agenda. Go ahead, Elisa.

Elisa Cooper: Yes. So essentially what the registries proposed, I guess surprise, surprise, was exactly what we were asking for. And so while we're supportive of the comments, the IPC had a few outstanding issues, and I think they're going to get some clarifying language, and I think they'll be supportive of the document that I actually recirculated this morning, which is a document - it's the proposal from the registries and the new TLD applicant group.

And so I think the plan is for both the IPC and for us to sign on to that request along with the registries and the NTAG and to get that submitted and in front of the New gTLD Program Committee.

And essentially you know what it asked for, just a reminder to folks, what you know compromise we were proposing was that we wanted to ensure that there was at least a 30-day period where trademark owners could apply for registration ahead of all others if they had validated marks in the clearinghouse for any collision names that had not been previously subject to sunrise.

And that's again what the registries had also asked for.

The compromise came in where basically they asked that they allow this 30-day period for the trademark owners to have the ability to register ahead of all others in lieu of the 90-day claims period.

And just to remind everyone what the claims period is, the claims period - and this is - there's a lot of confusion around this too. What we're really talking about is the registries did not want to have to provide for a select subset group of names because they are not technically able to say for this small subset of names, present back to the potential registrant that notice that says the name you are about to register has rights matching in the clearinghouse.

They cannot technically do that today. Present that notice back because the way claims works today is it starts on Day 1. It goes for 90 days, and then the notice stops.

Now what will continue to happen for every name that gets registered in perpetuity is that if you submit it to the clearinghouse, you will receive a notice of anytime somebody registers an exact match of your name regardless of whether it had been on the collision list or it had been taken off the collision list, or even if it had been a reserved name and comes off the reserve names list. When that names get registered, you'll get the notice if you've submitted that exact match mark into the clearinghouse.

So at any rate, where we're at right now is we're waiting for the IPC to give a final buy-off. We're waiting for a final version from the registries. And as soon as I get that, I'll send that around and the plan is hopefully we'll all be able to sign on to that today and get that in front of the New gTLD Program Committee.

I know that was a lot of words so let me stop and ask if I need to clarify anything or if anything wasn't clear, or if you have any concerns or questions.

Steve DelBianco: Andy, as the principal author on that, what are your thoughts?

Andy Abrams: I think it's fantastic. I mean, I think it's great that the constituencies got together and collaborated on a compromise rather than have the Board decide kind of from a top-down perspective, so I think it's absolutely fantastic and I support it.

Steve DelBianco: Thank you.

One of the things I observed, Andy, in your draft was enforcement is key, and there's nothing in the registry proposal about enforcement. Can we assume this would end up in the public interest commitments spec or some part of the registry agreement?

Andy Abrams: That's my understanding, but I'd love to hear other perspectives on how we can enforce that.

Steve DelBianco: Elisa, in your conversation with the registry Chair, perhaps ask that something in a letter be indicated to show how ICANN would be able to enforce this new policy.

Elisa Cooper: Yes. We'll see how - I mean if the Board - or if the New gTLD Program Committee were to make a requirement or - yes, I'll definitely find out how they'll enforce that, because we'll need to have - yes.

Steve DelBianco: (Unintelligible) is voluntary. Each registry that has a TLD would be able to put in their pick spec and then it becomes enforceable by ICANN, and that doesn't require any Board action whatsoever. The Board's agenda for tomorrow was to approve the new collision mitigation plan, which included the - you know, the 90-day and a handful of other measures.

And, the Board may well act on the collision mitigation and not do anything about the sunrise if they have the impression that IPC, BC, and registries are working together to solve it.

They may not have to do anything if we reach a solution whereby the registries must put it in their pick spec.

Elisa Cooper: Yes.

The only thing is since many registries have already - obviously, 300 of them have signed their agreements, I'm not sure how the process will be to go back and amend the pick spec.

Steve DelBianco: Great point. Great point.

All right, thank you for your leadership on that, and keep us apprised and send a note around later today.

Marilyn Cade: Steve, it's...

Steve DelBianco: Thank you for your drafting as well.

Any other comments on this?

Marilyn Cade: Yes. Steve, it's Marilyn. It's just about enforcement real quick.

Steve DelBianco: Go ahead, Marilyn.

Marilyn Cade: It's real quick.

On the enforcement issue, we also saw previously that one portfolio registry said they were putting picks in, but then they put into the picks the right to cancel the picks after a year if they decided that they weren't cost-effective.

So when we follow-up on the you know enforceability, but also I would also the question of you know what's written into the agreement by the registry is going to be really important.

Steve DelBianco: Got it.

Hey, that concludes the public comment section. And for Channel 2 on policy, which is the...

Elisa Cooper: Oh, I'm sorry. Steve, I'm sorry to interrupt. I just got a revised version just now. I'll send that around.

Steve DelBianco: Great.

Elisa, you send it around, and I'm going to turn it over to John and (Gabby) to lead us through Channel 2, which is support for the discussion and the motion that's going to become before Council on the 24th of July.

(Gabby) and John, it's all yours.

John Berard: Hey, (Gabby), are you still with us?

Well, am I audible?

Steve DelBianco: We hear you, John.

Woman: You are.

John Berard: Great.

So the single motion on - the single motion on our agenda for the next meeting is to...

Steve DelBianco: John Berard, please mute your mic in Adobe Chat. We're hearing an echo.

John Berard: Hello?

Steve DelBianco: We're hearing you, John, but we're hearing an echo.

John Berard: I don't know why that would be.

(Gabby), do you want to pick up the conversation?

Woman: I don't hear the echo.

Steve DelBianco: Go ahead, John.

John Berard: I'll - the motion is one that I think we should have and should continue to support to reconvene the working group that dealt with the protections for IGO and INGO.

Names, it is a part of our effort to help the Board reconcile the difference between the unanimous GNSO policy recommendations and GAC advice without the Board having to resort to its nuclear option of picking one over the other.

I don't know that it will be successful ultimately. It may come to the Board to split this particular baby, but the Board is asking for the Council's help and it seems prudent to try and help.

There really isn't anything controversial about the content except for the - as much as is it about the intent, and we'll see where that goes.

The rest of the meeting is mostly a discussion, and the two points that could be of interest to the constituency overall would be the update on the GNSO review. There was to have been an examiner selected by July 1. I don't have confirmation that that occurred. That would do some of the interviews, some of the work to help identify the issues and begin to map out - help the working party understand what issues needed to be addressed.

And the other is an update on the cross-community working group to develop a charter for the naming aspects of IANA transition. I guess based upon Elisa's report from the SO/AC leadership meeting with Fadi this morning, that this is now in flux.

But I will admit that (Gabby) and I are a little - could probably use some help in understanding the full landscape of where things are and what the opportunities present themselves because neither of us are on the SO/AC email list or calls. And so, it'd be - it - sometimes we sit on these - in these Council meetings and Jonathan Robinson, who is on the calls, has a bit of an advantage over the rest of the Councilors because he's got firsthand information and we're dealing with it secondhand.

So I don't know what input you guys want to give us with regard to that cross-committee working group, or on the GNSO review working party, but this would be the time to do it.

The third bit, which could be of interest, is there may be some movement on the appointment of a GNSO liaison for the GAC that's probably not - it's probably not as far along as even I suggest in my question. But, that is something I know that J. Scott has expressed an interest in pursuing.

There is a -- for lack of a better phrase -- a job description of that liaison that has been distributed and it's - I hope to get a better sense - we hope to get a better sense of where it is and maybe even what it is when we have our call on Thursday.

So with that, we'll take input or bon voyage.

Elisa Cooper: I see Phil has a question and then I have a question or a comment.

John Berard: Sure. Phil?

Phil Corwin: Yes, John, thanks for the report. I just want to make you aware that on the resolution regarding revival of the working group on IGO and INGO protections, I don't oppose that. It's already - there's already a PDP, or at least solicitation from members of a working group out to work on this issue.

But I will tell you that there will be very large participation from the domain investment community in that working group. There's tremendous concern about ICANN not supporting the unanimous GNSO resolution in reviving this issue.

I'm going to circulate something I've posted on this, too, in a comment letter to ICANN which points out the fact that this working group probably cannot succeed because of all the issues identified by ICANN staff themselves.

Basically, the issue here is that the GAC is pushing rights for IGOs and INGOs at the second level that does not exist in any international law, and they want a new DRP that would not provide registrants with a meaningful right of appeal.

And in some ways, this is related to what happened with the politics of the denial of the .Amazon and .Patagonia applications at the top level.

So I'm not asking you to oppose it, but I'm just telling you that this working group's going to be very contentious and the prospects for the coming up with a solution are minimal at best.

John Berard: Right.

Phil, I don't disagree with anything you've said. There was some concern that even reconvening the working group would be some kind of inappropriate sign that the Council was willing to change its point-of-view.

But in light of the effort that the Board made in reaching back to the Council, it struck me and most of the Councilors as being petulant if we just rejected it out of hand.

And so I think we're willing in this multistakeholder, consensus-driven, bottom-up decision making environment we live in to reconvene and at least get on the record what the sharp differences, if they are sharp, might be.

There was one other question. I don't know who that was. Was it you, Elisa?

Elisa Cooper: Well, I wanted to provide a little bit more color from my call with Fadi today.

Fadi himself had some questions about this cross-community working group drafting team on the IANA transition, and was questioning you know why there was something separate from the coordination group. And Byron - the way I understood it, Byron and Jonathan both sort of took the stance was that this was something that was going to inform the coordination group.

So, I just wanted to provide that information.

And then also remind folks that Susan Kawaguchi had actually offered to serve on that cross-community working group drafting team.

John Berard: Right.

Elisa, I think my recollection is as you report Fadi's comments, and Jonathan, and Byron's. The IANA stewardship transition coordinating group was essentially a top-down instruction, and I think it was Byron as a Chair of the ccNSO and Jonathan as Chair of the GNSO Council collaborated on an idea that there ought to be a community working group - a cross-community working group that could also focus on this issue who's work product could be poured into the Coordination Committee, and thereby help inform the Coordination Committee.

But the thinking was that, as you also reported from your call this morning, that the Stewardship Transition Coordinating Committee would be broader than just the ICANN community.

Elisa Cooper: Yes.

John Berard: And I guess maybe that is what Fadi is getting at today.

So I think that what is happening is that there are many carts, many horses, and many of them are getting in front of the others. So a little clarity. Perhaps we can drive some clarity on the - at the GNSO Council meeting. We will do our best.

Elisa Cooper: Let's see. I see (Gabby) has her hand raised, and then we do need to hear from (Jensen), and we are almost out of time.

So (Gabby)?

Gabriella Szlak: Yes. Just a question, Elisa, and also John, just maybe to understand something. I think you - the cross-community working group it's about only names, and so that numbers and (unintelligible) are going through a different channel, and I'm not sure what this means or who is going to take care about the other part of it?

So I was wondering if you know anything about this?

Steve DelBianco: NRO and IETF will handle the names and numbering parts of that. I believe they are also putting together cross-community working groups to give input to the coordinating group.

Marilyn Cade: Let me - it's Marilyn. Let me support Steve.

They're putting together an approach that will be inclusive of those who are customers and users of protocols and IT addresses.

Steve, I doubt if they call it a - it will serve the same function, but (Gabby) it is about the part of the work that IANA does that is not related to names.

Elisa Cooper: Okay. With that I'd like to turn it over to (Jensen) for an update on finance and operations. He actually sent out a fairly comprehensive overview of information and I think that was great and very helpful.

But (Jensen), any other items that you'd like to cover that were not in the update that you had sent?

Are you on the line?

I can see that you're on the Adobe Connect, but perhaps you do not have a line.

John Berard: While you sort that out, this is John. I need to drop off to get on a working group call so I will talk to you soon.

Elisa Cooper: Okay.

(Jensen), we're not able to hear you, but because you sent out that document I think we'll probably well caught up in terms of all the work that you've been doing, so thank you very much for that.

All right, so with that I will go ahead and close the call. As always, thank you to everyone. If there are any other items or topics that we did not discuss and that you would like to, let's take it out to the list. Otherwise, we'll plan to meet again soon.

And I wish you all a great day. Thank you so much.

Man: Thank you. And that concludes today's conference. All parties may disconnect at this time.

END