Transcription ICANN Durban Meeting

CBUC Meeting

Tuesday 16 July 2013 at 13:15 local time

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Man: Audio recording for commercial and business (unintelligible).

Elisa Cooper: Okay well thank you everyone for joining today's BC meeting. I think it might make sense - there are a number of new faces here and so welcome to everyone.

We're very glad to see some new faces. So it might make sense to kind of go around the room and if you can just say your name and your affiliation and any other membership that you might have here at ICANN that would be great.

So maybe we can start off with you (Mary Jo)?

(Mary Jo Keukelaar): (Mary Jo Keukelaar), Name Administration, Inc.

Stephane Van Gelder: Stephane Van Gelder, Stephane Van Gelder Consulting.

(Robert Crider):   (Robert Crider) with CoreSearch.

(Gideon Rob):   (Gideon Rob), DC Registered Services.

(Sophia Vekeller):   (Sophia Vekeller), IBCA.

(Stephanie Duchano): (Stephanie Duchano), Fairwin Partners.

Marilyn Cade: Marilyn Cade, MCade LLC and I'm one of the officers of the DC.

Zahid Jamil: Zahid Jamil, DNDRC.

Elisa Cooper: Elisa Cooper, I'm the Chair of the BC but I work for Mark Monitor.

Steve DelBianco: Steve DelBianco with NetChoice and the Vice Chair for policy coordination
                      here in the BC.

John Berard: John Berard, one of the GNSO councilors.

Chris Chaplow: Chris Chaplow, andalucia.com and BC vice chair finance and operations.

(Michelle Chaplow):   Michelle Chaplow, andalucia.com and the meeting strategy working
                      group, I'm chairing one of the subgroups of those.

(Christian Dawson):   (Christian Dawson) with the internet infrastructure coalition perspective
                      members.

(Waudo Siganga):   Waudo Siganga, (unintelligible) and ICANN nominating committee.

(Vivian Dunn):   (Vivian Dunn), (unintelligible) apps, mobile apps in U.K.

Andrew Mack: Andrew Mack, AIM Global Consulting from U.S.

(Marie Patullo):   (Marie Patullo), AIM, the European Brand Association.

(Aparna Sridhar):   Aparna Sridhar, Google.

Lars Hoffman: And Lars Hoffman, ICANN staff.

Elisa Cooper: Well great. Thank you so much for joining us. We have a very full agenda today.

                    And if you have not yet received an agenda we're sending them down both sides of the table. We're going to start off with an overview of a motion that is currently at the council...

Man: (unintelligible)

Elisa Cooper: I'm sorry, who is - I'm sorry let me also ask who is on the line?

Jimson Olufuye: Yeah this is (Jimson) (unintelligible), chair of (unintelligible) alliance and one of the five (unintelligible) working group on a house operation. Good afternoon everyone.

Elisa Cooper: Hi (Jimson). Thank you so much for joining us today. Is there anyone else on the line aside from Benedetta?

(Gabriella Szlak): Yes this is (Gabriella Szlak) from E-Instituto. And I'm from (unintelligible) Latin American ICANN strategy. Thank you. Good morning everyone.

Elisa Cooper: Hi (Gabby). Thanks for joining us. Anyone else?

                    Okay. With that let's kind of continue...

Benedetta Rossi: Benedetta Rossi, BC Secretariat.

Elisa Cooper: Yes. So why don't we go ahead quickly through the agenda. We have a very full agenda as I mentioned.

And John Berard and Zahid Jamil will be taking us through a motion that had been put forth at the council. And we want to try to come to some decisions if we can quickly regarding that because this motion will actually go before the council on Wednesday, tomorrow.

So with that I'm going to turn it over to John and Zahid.

John Berard: Thank you Elisa. This is John Berard. My colleague on the council, Zahid Jamil and I will be attending the public meeting of the GNSO council tomorrow, tomorrow afternoon. If you can attend that'd be great.

Always good to see people in the audi9ence. There will be at this point three motions before the council tomorrow.

Two of them I don't think are very controversial. I think have the support of the constituency.

The first one which is actually listed the third is for the adoption of the locking of a domain name subject to a UDRP proceedings policy development process. This is a fine point but an important point in defining exactly what it means to lock a domain.

And will become increasingly important in the new gTLD regime when there are so many more and different extension. And hopefully as there are so many more and different registries and registrars and so many more registrants.

Zahid do you have anything you want to add on that one?

Zahid Jamil: On the UDRP? Right I mean the - just to say that the BC's position has always been, you know, supportive of UDRP and locking of domain names.

And this is something we're actually quite supportive of and like to see that basically - this go through.

There's some discussion within some of the other constituencies whether they think that this is something they will be able to arrive at consensus on either which way. And so that's the only thing holding it back.

But I think our view traditionally has been that we would be supportive. And I think that's the position we're taking for the moment. Thanks.

John Berard: All right. Does anybody have any comment they want to make on this particular motion or subject? And we'll move to the second motion which is...

Marilyn Cade: John?

John Berard: Yeah.

Marilyn Cade: I have a question. It's Marilyn Cade. My question is just for the two of you -- we support the locking of the bank domain name. And is there a procedure that we're satisfied with for the unlocking?

                 That's been addressed in the procedures and we're comfortable with that I believe...

John Berard: Based on the presentation that we got I do believe that everything is covered coming and going. We've - as ICANN often does it's over architected to the point where even I can understand it.

                 The second motion which is one that I would encourage you to take a look at not because I believe it's controversial but because I believe it's quite important. And it is the adoption of a charter for the working group on policy and implementation.

This has been an increasingly active topic inside ICANN. And I think it would be important for the business constituency to have adequate if not more than adequate representation of its membership as part of that working group.

The motion will be to accept the drafting team and the - drafting team's report and the charter. And then open the door to those volunteers.

I think Zahid and I are on the same page that we're going to vote for this. And then I guess also Zahid you want to talk a bit about how important it would be to participate in these (unintelligible).

Zahid Jamil: Oh absolutely. As you can see up on the slide there we even seconded (unintelligible) and we have the ISBs actually making this motion. It's extremely important that we as members of the community especially in the BC try and participate once this is up there.

Because I think the distinction between what is implementation and what is policy is going to be discussed here. And it's pretty much of a gray area.

So more hands on deck basically supporting the process that, you know, implementation is something that should be done by the executive. But wherever there's policy that goes to the GNSO I think that's the key idea here.

But, you know, the more people we can have contribute to this and participate will be helpful. Thanks John.

John Berard: Sure. The third motion which is labeled the first motion is one that may in fact not even come up tomorrow. Because there is a fair bit of controversy over the wording of it at least and maybe even some over the motivation for it.

Personally I believe that the relationship between the board and the GNSO council has evolved to a point where there are increasing times when the

board will ask the GNSO council for input whether it's for recommendations, whether it's for insight, whether it's for advice -- whatever word you want to put on it. These are direct communications from the board to the council for comment.

We have been diligent I think -- Zahid and I certainly from the perspective of the business constituency to reinforce the fact -- the notion, the structural reality that it is the constituencies that serve as the best line of insight. And in the few times at this point where we have as a council forwarded comments in response to a board request we have made sure that that point is embedded in the letter that gets sent from Jonathan Robinson, the chair of the council to Steve Crocker, the chair of the board.

Because of this increase - because of the increase in contact from the board directly to the council it was felt by some in particular this is Jeff Neuman from the registry's - that there ought to be a - embedded in the bylaws a responsibility for the board to -- if asking for such advice if they choose not to take it to come back to the council and explain why. There have been a number of times both highly controversial and not where communiques have gone to the board and there really hasn't been any response.

And so at - the motivation for this I think is appropriate. As the communication between the council and the board extends beyond the policy development process there ought to be a basis for a back and forth after we transmit what it is we can.

And that's what this motion seeks to do. My feeling personally is that it's over architected, that it shouldn't be a bylaws change.

Based upon the GNSO council board interaction already this week the board is quite willing to agree in principle to just this kind of dialogue. But there are many on the council who think that it should be codified.

We are in the process of drafting an amendment in the form of a substitute for this motion. And my hope is that we'll be able to get that done and forward it for consideration by Jeff and the rest of the council sometime this afternoon.

So we'll keep you posted on this.

Zahid Jamil: John?

John Berard: Yes Zahid.

Zahid Jamil: So while actually - while John was speaking there as an email that just arrived which is the suggestion that the amendments by the IPC right now, by seconds I guess. And we'd been having discussions just a little while earlier where myself and others were involved in discussing with the IPC what the modifications should be.

And there's been what I'm happy to say is good back and forth between the chair of the GNSO and basically our CSU group which is trying to basically come up with a compromise amendment. Let me read out to you the modification that has been suggested and we can discuss this.

I can't get it on the screen unless somebody has that and they can put it up there, but let me read it out and I'll just go to the core.

The GNSO council requests -- so it's not really a demand, etcetera change its language. In the event that an ICANN board determines to take an action that is inconsistent with GNSO statements -- and that's important -- not advice, not policy recommendation but a statement made outside the PDP process the GNSO suggests that the ICANN board state the reasons why it decided to take such action and be followed in a timely manner with a discussion in which the GNSO and ICANN board discuss the differences between their respective positions.

The GNSO suggests that the ICANN board state in its determination the reason why it has taken the action inconsistent with the GNSO statement. And as a further result that the GNSO team involved in such discussions will include a multi stakeholder group of non-councilors.

So it wouldn't just be councilors being that. It would be other people.

So I think that in fact is I think a lot a more, Steve, than even what we were considering to put out there. And I think in the shape of a resolution and it sounds fairly balanced.

It does provide Jeff which - who's the maker of this motion with generally in principle what's he is trying to achieve and also it makes sure that we don't set a precedent or have a bylaw change. Thank you. Steve go ahead?

Steve DelBianco: Quick question. What's the status of whether Jeff Neuman would accept that as a friendly amendment? And what about the other constituencies?

Zahid Jamil: Good question. We don't know that yet. We have no responses from Jeff even to our prior sort of proposal or to this yet.

But I had discussions with Jonathan and Jonathan felt that something of this nature would be helpful. In fact what I suggested to him was even less than what we have here in the document.

So hopefully this will meet their - at least Jonathan's view that this is a balanced amendment. But we have to wait for Jeff.

I haven't put this out. We haven't sent this to Jeff because I think it's better that we discuss it internally.

And then once we have something that we agree on we can send it to Jeff.

Elisa Cooper: Marilyn?

Marilyn Cade: Thanks. So there's been a little bit of back and forth in the executive committee discussion about the choice of words. And we probably actually should have put that out to all of you.

But I'm going to point to the choice of a particular word here. And there's actually no process within the GNSO policy council to develop a statement.

The - I think the original intent was to deal with policy recommendations. Policy recommendations are clearly the function of the GNSO policy council and the management of the policy development process.

Broadening this to statements first of all for the GNSO to make a statement is going to mean that all of the constituencies and SGs are going to have to sign on to it. There is no - I'd urge us to in looking at this think about what the problem is that Jeff was trying to address which I understood was about a policy recommendation that had been made about gTLD policy.

And the implementation of that policy. But something as broad as a GNSO statement would mean to me that the - there's no procedure to govern this kind of - this is the first time I've seen this.

This would mean to me that the councilors could sit together and on the spur of the moment if there are no requirements they could issue a statement that they vote on. And it goes forward but without necessarily our ability as the community and constituencies to provide guidance to it.

So I think not - whatever the intent was I think this is much too broad. Some of the other softening if this were to go back to a focus on policy that is recommended and approved by the council then some of this other language may be able to be more in line with a request to the board.

Zahid Jamil: Thank you. Marilyn you're right. I mean GNSO does basically only do policy recommendations per se.

I mean there's other stuff we've been doing like sending out letters and stuff. Actually Jeff wasn't trying to address policy recommendations because policy recommendations are - that's why he used the word in his original resolution as advice.

And the language you'll see up there if people can see it is statements outside the PDP process. So it's basically talking about policy - not policy recommendations but something other than that, outside that process for what only - on the original ones only respect to implementation.

So if we were to do that that may get us into little bit of challenges with what policy recommendation means by the bylaws in one. Second, you know, I think your concern that if something goes out and the community doesn't have an opportunity to actually address it is a valid one.

And one of the things we need to ensure is going forward if something like this does happen that all councilors basically bring it back to their constituencies the issue and sort of say well, we need time before we take a decision I think. And that's absolutely valid.

But I think what Jeff was trying to address was not the policy recommendation.

Marilyn Cade: Marilyn. I - that may not have been the intent but words matter at ICANN. And we were concerned -- or at least I was concerned with the previous approach that there was an effort on some participants in the council from some of the other constituencies to expand the authority and role of the council beyond what exists.

And that's why they were seeking a bylaw change. I'm not comfortable with the council issuing something as broad as a statement when that is not their job.

So if we could figure out a way to make this about what the particular problem is we're trying to solve...

Zahid Jamil: So we're already issuing statements. The letter that went from the GNSO council to the board - well actually it went to the CEO but was supposed to go to the board -- was actually something which wasn't a policy recommendation.

Was an action we took. There was no specific language we have to describe it.

But it was, you know, so that's why the word statement or something else could be used or advice, etcetera. But we are already doing things in the GNSO -- I mean Stephane's here as a prior chair.

You, you know, let us know if we have - which are outside that scope. And so we need to find a way to be able to address those issues.

So we're doing that already.

Elisa Cooper: Any other thoughts or comments? Stephane?

Stephane Van Gelder: Thanks Lisa. Stephane Van Gelder. I don't want to add to the debate. I just want to suggest that both our councilors seem to be in agreement with this motion.

Is that correct? In which case my personal view is that we trust them to, you know, because they're on top of the issues.

John are you not in agreement with this?

John Berard: There are two bits that I have a question about. One is that this does seek to amend the bylaws.

And I thought we had - does this not say add a second sentence to Article 10 Section 1? Oh. That's - I'm looking at the last one that came to my email.

Stephane Van Gelder: Okay. So perhaps I can finish then and rephrase and ask the question do both of our councilors agree with this?

Zahid Jamil: I think I do and I think John once he's read it probably will. But let me not get ahead of myself.

Stephane Van Gelder: Well if that's the case then what I wanted to say was that I have no issue with trusting both of you to do what's best here.

Andrew Mack: I just - this is Andrew. I just had a kind of point of clarification which is I just - it's a little unclear to me - do we have a concrete definition of what constitutes advice versus what constitutes a statement? Do we need one? Okay.

Elisa Cooper: And just to provide some clarification here -- initially where we were at was there was an actual motion and we were very uncomfortable with it. So I think this is a great place to be in making this kind of a request.

Obviously the board can choose to comply with the request or not. But we're not talking about any kind of change to the bylaw which I think we were not comfortable with.

Man: Like Stephane indicated I too would trust Zahid and John to work out the detail. The only thing on there that troubles me is what John Berard just

indicated is that I wouldn't want the consultation group to explicitly exclude councilors.

So it ought to say to include non-councilors. And other than that I think it's fine. Thank you.

Elisa Cooper: Agreed.

(Marie Pattullo): Thanks Lisa. This is Marie. Just one small question. In the very first paragraph there's a reference to staff consultation.

But the request goes only to board. Do you want to include and staff in that?

Man: Yes. Board and management maybe.

Elisa Cooper: Thank you.

John Berard: That is a great clarification.

Elisa Cooper: Thank you.

John Berard: We had that in the original draft.

Elisa Cooper: Super.

John Berard: Everywhere it says ICANN board it should say board and management. Or management.

Elisa Cooper: Okay. Fantastic. Thank you so much. That's great.

Before we kind of move onto the next topic are there any other issues that we should discuss in terms of the council?

Zahid Jamil: Something I raised in the CSG meeting. There's going to be a slot for discussing the review of the GNSO.

BC traditionally has had a view that the GNSO needs restructuring because our voting powers were reduced by the last restructuring review. And there's and attempt to try and postpone the review of the GNSO which would mean that it would be years from now then if we can implement any changes.

So there will be an opportunity for members to go up to the mic in tomorrow's council meeting. And if they can be supportive of making sure that there is going to be a review that would be greatly appreciated.

Elisa Cooper: Yeah so there was actually an announcement made to this end I think saying that they wanted to postpone it by a period of six months. Which I agree that this is very important and we need to have this review.

However given all of our other priorities I'm actually in favor of postponing for six months. Ron?

Ron Andruff: Thank you Chair. Actually I couldn't agree more.

But one thought struck me kind of strange. In six months we'll be absolutely in the heat of things.

So it sounds like we're almost going to get - then we'll get there and we'll say oh, gee why don't we do another six months. So I'm just wondering if we might come back and say maybe we want to reconsider and push it, you know, let's have a date.

The problem with ICANN is that we always have dates slipping. And all we're doing is setting ourselves up for a fall on this one as I see it.

Elisa Cooper: Yeah. We can actually ask for a year. It's actually going out for public comment so we can comment that we would actually prefer a year if that's what we prefer.

So Marilyn and then Stephane?

Marilyn Cade: We had in the past when we looked at this in kind of a quick - because the board asked us this question once before and we took a quick internal broad discussion with the membership. And proposed that delaying it would be fine but that we wanted to move ahead I think with some improvements in terms of support and other things.

That the board has accepted and the budget process has accepted. So that earlier comment that we made which was we could support the extension but we didn't want them to delay improving the toolkit and other support things, that's no longer a relevant concern I don't think.

I would just say something about my own view about understanding the review process and the benefits and the risk it's going to bring. I do think extending - I do think picking the date of a year is the right thing to do.

But I also think that we need to make it clear to ICANN that we do think that they have to deliver on the services and support to the SGs and the constituencies in the meantime for us to be able to do our job. Because we're going to have a number of people still continuing to arrive at ICANN and looking for a place to come.

I'm looking at Christian. Looking for a place to come.

And we want to be able to serve and welcome the broadening participation. The review is going to have - sorry the strategic plan potentially is going to have broader implications for the functional role of the SOs.

And that's one of the reasons that I think we need to get through a little bit of the strategic planning input process and identification process before we start moving chairs around and moving role around. But if we pick a date then I think they need to firmly resource it.

Elisa Cooper: Okay. Was there one other person? Stephane?

Stephane Van Gelder: Thanks. Stephane Van Gelder. I want to say that a date was picked -- February 2012 I believe.

And there is - I can tell you as a former GNSO council chair that the current structure is very difficult to manage and very difficult to manage fairly. And I think it's difficult for each part of that structure to exist in it.

I certainly believe now as a BC member that the BC and the CSG are not adequately represented in that culture. So whilst I understand that there is lots of work on the table and priorities have to be set I believe in this instance we are talking about something that is crucially important to this group in terms of affording it true representation.

You know, this group is representative of very, very great number of businesses be they, you know, both small and large who simply do not have the voice they deserve at GNSO council level. It's as simple as that.

And we can personally - I mean they can decide to personally review that. We can decide not to say anything.

We can other work is important. You know, you have new blood coming into this group.

I am happy as part of that new blood to volunteer for anything that can help us deal with this work if that's acceptable. But I would suggest that we don't want to do anything but push for this review to happen now.

Because the current bicameral structure is dysfunctional for this group.

Elisa Cooper: John?

John Berard: I couldn't agree more with Stephane on this point. My concern is that we may be unable to get it going right now because we are at a disadvantage.

When the board first came to us in China -- in Beijing to talk about the review, when Ray Plzak came -- it - the review was not specifically focused on structure. But we have pushed it to include structure.

The original intent was just to go through a checklist of do you have it, do you don't, have you done it, have you not? And I think that for the long term health of our involvement in this organization that structural changes do need to be made.

That there needs to be some different kind of balance that actually is balanced as opposed to the appearance of balance. So I would suggest that we encourage ICANN to press on.

Elisa Cooper: If that is how we - and I don't know that we're in a position today to make a decision about how we'll respond to this public comment. But I would ask for those who feel strongly that we want to move on that those would be the people to volunteer to make sure that we're providing information that's accurate and representative of the business constituency.

I can only speak for myself in saying that I don't think I can personally participate significantly in this GNSO review process in the next, you know, if it were to occur shortly just given everything that we're trying to focus on right now. But if others have the ability and bandwidth to make that happen I'm all for that.

Marilyn Cade: Marilyn. Actually I'm going to raise a concern about a partial approach of full engagement. Regardless of the fact that I just think that it would be better for us to know some other things which we're going to be involved in and hopefully shape such as strategic plan -- I don't think it's acceptable in to only have new people engaged or to only have part of our people engaged.

We -when we went through this period - this process before, you know, if this is going to go on it is vitally important to every member of the business constituency and to the broader business community. So if it's going to go on I think we really are going to have to, you know, and if there's broad enough support from the business constituency and then the board does decide to move ahead then I think we'll have to figure out how to make sure we have a very broad and engaged and representative process.

Because there's going to be a lot of public comment that's going to happen. And so maybe I'll go back to thinking we need to ask for more ICANN money.

Elisa Cooper: Aisha and then Stephane?

Aisha Hassan: Just a question. Marilyn it might be helpful if you could give a few examples of what are the issues that you think will be coming up? That'll help me to understand better what my view would be on this. Thanks.

Marilyn Cade: So...

Stephane Van Gelder: Marilyn if I can just - because I have a question for you as well. So you can answer both if that's okay.

I just want to clarify are you saying that Lisa's suggestion as I understood it was there's a small volunteer group that starts to push this along. And then takes it to the wider group.

Are you saying that's not acceptable for you?

Marilyn Cade: That's exactly what I'm saying. And I'm' saying it because - it's Marilyn Cade speaking.

I'm saying it because I lived through the last process. And can I see a show of hands of those of us who did?

So the question is how many of us lived through the last restructuring process. It was very difficult.

And the board - the two board members who decided what the solution would be in the end of the day negotiated with only two or three people from each of the constituencies, putting those people at a significant disadvantage and putting the constituencies at a disadvantage in terms of the solution. So, you know, I think our experience with the last approach is it's very risky.

The second issue is that some of the decisions which will be taken could be determining who has voting rights where. It could be determining participation structures that are not driven in a bottom up way.

And I do think that there's a potential that the bottom up participatory process is not always fair and balanced as we know. It's based on how many people have time to participate.

So I think you really have to figure out what a truly representational approach is and figure out how to resource it and make sure that you have significant feedback loops at various times.

Elisa Cooper: Okay. So I don't want to spend much more time on this because we have a pretty full agenda. But I will just say this -- that the only way we're able to accomplish the massive amount of work that we've done -- and I'll just say we've done more work in this first six months in terms of comment than we did for all last year.

And the only way we were able to get that done was to do it with basically handfuls of people doing the work and then putting it out for the larger group. So I fully trust everyone in this group to do a small piece of work or, you know, on behalf of us and then to share it with us.

And then for us to all review it and sign off on it. So that, you know, is the only way in my opinion we can - we're going to get work done as a group.

Because for all of us to do all the work kind of defeats the whole purpose of being part of a group, right. The benefit of us all working together is there's a lot of us to spread, you know, a lot of work.

So...

(Amy Mushuwar): I just want to say something on behalf of the Association National Advertisers. This is (Amy Mushuwar).

Ensuring that businesses have better representation within the GNSO council and within the broader ICANN community is such a large issue for the ANA that we're certainly willing to dedicate resources. So and, you know, it's not simply me at the table.

It's our members which we have a large membership list. So please feel free to use us and feel free to funnel communications through us.

Because in the event that you want our members commenting just let us know. And we can help publicize for you.

Elisa Cooper: Thank you very much. That's great. Stephane?

Stephane Van Gelder: Yeah. Very quickly Lisa. I just want to say I think we're - with respect we're not understanding each other.

I think Marilyn is talking about the review. And what I'm talking about is just working to see what our position is with regards to this review being pushed back.

So I agree with you that the review itself -- you mentioned the past the 2009 review -- that was - I didn't raise my hand because I wasn't a BC member then. But obviously I was involved and it was painful.

But what - the only thing that I think Elisa and I are talking about is just bringing a position -- bringing the group to a possible position on should this review be pushed back or not?

Elisa Cooper: I think we're at such a ju8ncture with the new gTLD program if we stay at the current representation that we are at as the GNSO we're going to put ourselves in a very dangerous position for the next year to 18 months. I mean I understand everyone at the table has hell of a lot of work.

But it's going to be extremely difficult for us to survive over the next year to 18 months if we stay at the current business representation that we're at. Steve?

Steve DelBianco: And if the previous review and restructuring was any indication it will take roughly two years before the restructuring occurs. So don't look to an immediate beginning to provide any relief -- and Stephane's agreeing -- in the next two years.

So while I share your concern we can't solve that by starting yesterday.

Stephane Van Gelder: No thank you Steve - no thank you chair, that was exactly my point Steve. This is - like all things in ICANN glacial, a glacial pace.

So once we start it, you know, you cannot stop it. And what we're going to be doing is we're going to be chasing the idea of reforming ourselves and trying

to get consensus within the community that reform that we want will actually work.

And then at the same time parallel to that we've got all the TLDs coming out. And all of the public comments we'll have to do and all of the various issues that we'll be in.

And even with the growth of our BC constituency which I'm very happy to see has a member of the credentials committee -- it's great to see applications coming in regularly -- we still haven't been able to move our membership to broaden and start helping out with the workload. And that's understandable.

People are coming in, they're new, they might not feel comfortable. But we really do need to get more people to just assist.

They don't have to take the pen. But just participate...

Elisa Cooper: Right.

Stephane Van Gelder: And that's critical to the workload we're facing. Thank you.

Elisa Cooper: Yep. Okay. Thank you for that. Let's move on. Let's just take I think five minutes.

And I don't even know what there is really to discuss except we talked about adding this to our agenda. And that is the need or the request for the ICANN board to host public meetings.

And I think - I mean I guess I would ask people by a show of hands if there is anyone who would not want to see public meetings on behalf of the ICANN board? Does everyone agree that we wish that the meetings were public at least periodically?

Marilyn Cade: Marilyn. I think we're going to need to be specific that we believe that periodically they need to have a full public board meeting which is real. And because they're going to need to continue to have the - but so we might want to fine tune the wording.

I think I have suggested in our discussion that at a minimum once a year and more often when a highly divisive topic is being determined.

Elisa Cooper: Yes. Okay. So Chris and then we're going to - yeah, Phil if we can keep it brief. I mean I think the question is well how do we communicate this? And my thought would be a letter to the ICANN board.

But I don't know if there are any other thoughts that that would be I think the best way for us to very - and, you know, easily and in plain language make this request. So if we can keep it brief Chris and then Phil and then we'll move onto the next topic.

Chris Chaplow: Yes Chris Chaplow. Just sort of to clarify in - as it used to be there were two board meetings, telephone calls which were closed with redacted minutes following those. And then we had on the Friday morning at the meeting a sort of board meeting that was sort of half staged and half real.

So we're sort of saying that's the level we want to go back to.

Elisa Cooper: Phil?

Phil: Well I've been on the public record and I would - for more than a year. And I would urge that we go beyond that.

At the time that ICANN announced before the Prague meeting that they would no longer be having public meetings to - which is kind of a show, a (unintelligible) show. I don't understand why in a body - a nonprofit body charged with protecting the global interest when every Congressional

committee, when every other public body has a live webcast why - I think we should be asking for ICANN to have a live webcast or at least recordings.

And they can - if they're discussing personnel matters or something confidential they can redact that, they can stop the cameras. But I think the general rule should be when they're discussing policy matters that affect the entire global internet community and all the stakeholders we should get more than some, you know, summary at the end where they're editorializing and we're not really getting the flavor of what discussion went on within the board on specific issues. Thank you.

Elisa Cooper: Yeah. So we'll have to take that through our standard. Hi Fred. I didn't mean it like that.

                  We'll have to take that through our standard 14 day period. And then we can go ahead and do that.

Man: Just a question for the group. And I agree with everything that Phil just said absolutely.

                  What about the government advisory committee? And should we be asking similar of the government advisory committee so that we're not surprised by what they have to say at the end of days and days of closed door negotiations for example in China?

Elisa Cooper: Yeah I think that's a very interesting topic. And I think we honestly in light of our time constraints that we should probably take that to the list.

                  Because I'm sure that there are many others that feel strongly that they would like to see similar kinds of information made publicly available.

Man: To close that topic the two names up there were Phil and Marilyn. So if you wish to draft a statement -- a BCU official statement -- to do so we'll circulate

it quickly for review by the membership so that we can get it into a letter to the chairman of the board.

And we'll post it publicly. Correspondence like that is published now on the ICANN website under correspondence.

So at least everyone else would see it and we'd have an opportunity of driving allies to be attentive and perhaps even to support us.

Marilyn Cade: Elisa just to be clear I'm willing to work on drafting a letter to the board about the board meetings with a couple of options of I for instance might not support webcasting everything. But I'm - Phil and I can work on that.

I will speak in opposition at this point of our taking up the GAC openness in the same discussion and see if we could come back to that and discuss it at another time. Separate the two items so we don't get into a delay.

Elisa Cooper: Agreed. Okay moving on. I know that Susan is actually - yeah no she had actually had to step out.

So we're going to kind of meet with her when she's available. That said let's go ahead and go onto Steve.

Steve DelBianco: All right thanks. We're running 30 minutes behind schedule but I'm on a 10 minute allocation on this topic. So somebody keep a running clock.

The topic is really about security, stability and resiliency vulnerabilities. And the urgency with which the BC, the CSG and in general the ICANN community needs to take action now at a critical juncture.

And I'm not restricting it to SSL as the agenda indicated, that should have been SSR. So I'm talking about name collisions, certificates and dotless domains.

The SSAC or the securities and stabilities advisory committee is full of incredibly competent people on this and they've studied it for years. They've made multiple recommendations.

And they really are quite readable, read SSAC 057. It's on the ICANN website.

Read 59. You really do understand that they're describing the problems.

Some of their recommendations are then forwarded to the board. Some of them involve outside studies.

And in some cases ICANN board will turn to management. Management turns to the security staff that's led by Jeff Moss and that staff will take what they believe is adequate risk assessment and mitigation steps.

And then implement them. And at least it's my belief and at least several people around this table that they are not adequately recognizing or mitigating the risks or giving the opportunity of the community to comment on it.

A key point here is that the SSAC while full of experts is not charged with and has no authority over mitigation or operations. They are an advisory committee.

That's what the AC stands for. So too often we hear SSAC has it covered, SSAC has it handled.

And they can't handle it. They can merely advise.

Give you one example. Right after the Beijing meeting where we discussed these SSR concerns they put SSAC 059 out.

And let me just read you two sentences. The SSAC believes that the community would benefit from further inquiry into lingering issues related to the expansion of the root zone.

Specifically SSAC recommends those issues that previous public comment periods have suggested were inadequately explored. And they called for the production of two studies -- one on dotless domains and that's circulating now in draft form.

Its conclusions are rather vague I have to say. And the other is a study on the name collisions.

And I've not seen that. I understand the SSAC has seen copies and that while it has a lot of findings in it the conclusion part hasn't been written yet.

(Amy Mushuwar): Just so you know there's going to be a briefing on the name collisions issue at the SSAC meeting tomorrow at 9:00. So while it's not circulating in paper form everyone it is going to be presented to the community.

Steve DelBianco: Thanks Amy. I wanted to focus with the minutes remaining here on just one area that affects the business constituency and business community in particular. And its name collisions.

And I'm talking about things like corp, mail, home, web, office. So for 20 years businesses like mine have used internal names that end in things like .corp and .mail and they work perfectly in my enterprise.

They work perfectly when I travel. There are organizations all over the world who use internal names that are accessed by suppliers.

So that the suppliers get in and enter their invoices with a given company. And they might use an internal system that ends in .invoice.

There are probably a lot of companies whose HR departments allow an internal name that ends in say .payroll where people might enter timesheets. And they work because there are DNS resolvers at all of our companies they look outside first to the DNS.

That's the way they're programmed. And if .corp, .hr and .mail don't exist they look inside.

And they find exactly what they're looking for. The internal AT&T HR system, ATT.hr will resolve for Jeff.

And it will work no matter where he is on the planet with a secure connecting or not because there is no .hr out there. That has been working fine.

And it is the one part of it I believe is incredibly vulnerable right now because the minute .corp is issued as a TLD or .mail or .web that will all break. It won't create a giant sucking sound of security and privacy problem.

It just will break. Now the SSAC loves to really focus on sexy issues like a man in the middle attack or someone at a Starbucks intercepting with an internal cert and privacy.

I'm sorry Marilyn were you - you're scared, right. And the trick is we're much more down to earth.

We're focused on things that were working, are working and will break. And the phone calls will come to the hosting services, the phone calls will come to the ISPs.

And that's when the chain of chaos begins, the finger pointing of blame and the regrets that my goodness, how did we miss this? You know, I wanted to

quickly introduce and give Christian Dawson -- he's with the internet infrastructure coalition - our prospective member so treat him kindly.

Wanted to give him a chance - he asked to come in and talk to us about how this problem will impact the smaller providers. And then I'll conclude.

(Christian Dawson):   Steve I really appreciate it. Thanks.

I am Christian Dawson. I run a web hosting and data center provider called Servant.

And I work with providers like me and the internet infrastructure coalition, trade association for the internet infrastructure ecosystem. Both the domain flash issue and the doubtless domains issue were brought to my attention this week in Durbin.

Like most business owners I don't - normally don't busy myself reading SSAC documents. Hosting providers put people online.

And because of the diverse needs of people and businesses around the world many of us end up being in a strange combination of being an internet service provider and a technology consultant. Our internet users require high availability of the internet infrastructure we provide to them.

And the concept of up time is the most important consent for our businesses. An up time reputation is the thing that most clearly determines success or failure for an entire brand within the 35,000 companies -- small to medium businesses in our industry.

Up time defines consumer confidence. It's critical to our businesses and our global competitiveness.

One of the biggest reasons I'm here at ICANN is to make sure that ICANN's engaging in a policy process that will fuel our ability to continue to build the infrastructure of the internet. The domain clash and doubtless domain issues have reinforced my feeling that our group needs to be engaged here.

And now that I'm here I'm concerned about whether sufficient pathways exist between SSAC reports and action. I'm concerned that it's not reasonable to expect we can generate awareness of these issues before they go live.

These problems won't be fixed with proactive education. There's 20% recognition at best among hosting providers that the gTLD process is even happening.

Awareness of what's going to get messed up on their networks will be significantly lower than that no matter how long we wait or how many papers we put out -- though we do need to go through that process. I'm most concerned about what's going to happen when the first time people hear about the gTLD process is not them getting excited about the - exploring the new opportunities that it opens up.

But because part of the gTLD launch broke their back end systems and forced them to engage their tech teams to code around changes under duress while their systems were down. I think we need to engage the ICANN community to ensure that good pathways to resolution exist on both the doubtless domain and domain class issues.

But I also think that we need to assume that eventually the way this will be addressed is that those programs will go fully live and that certain enterprise systems will break as a result. But by the time that happens clear searchable documents designed in plain language with tier one technicians in mind need to be released that outline those passed to resolution.

Our industry needs that. It'll demand it and come back screaming if we can't at least get that.

I can promise to engage my communities who manage the back ends that will ostensibly be affected by them. To alert them proactively to potential problems and pathways to resolution if the documents exist.

Steve DelBianco: Christian will be a welcome member. He talks fast and that's well appreciated here on isn't it.

Thank you Christian. Appreciate that. (Unintelligible) take some questions okay.

Finish my - let me finish the update real quick then. So today the board...

Jeff Brueggeman: Steve can I just clarify?

Steve DelBianco: Go ahead.

Jeff Brueggeman: Can you reference back which SSAC recommendation you were referring to?

Steve DelBianco: There were two that I brought up. SSAC or SAC -- they're called SAC 057 which was earlier this year. That's an excellent report.

But it does focus almost entirely on the man in the middle problem. And then SAC 059 which was the April letter right after the Beijing meeting.

Short and sweet, couple of page letter but it brought up this notion of lingering concerns and stubborn problems.

Jeff Brueggeman: Yeah. I was just - because the concerns raised there are much broader than the two specific reports that were then tasked. So I think that gives us an opening to revisit it.

Sorry for interrupting.

Steve DelBianco: Not at all Jeff. Thank you.

So today at the CSG board meeting most - many of you I think were there and Steve Crocker, Chairman of the Board who was also the SSAC chair for many, many years and still very active SSAC member and a technical expert said to all of us look, this is being taken seriously. Although it isn't apparent.

He said we've got advice from your group, from the internet architecture board, from SSAC. The decision will rest partly with staff and ultimately with the new gTLD program committee.

Staff is charged with assembling this and coming to a reasoned and careful decision. I'm conscious that lots of energy is allocated.

It's not a problem that's being passed around. And then the quote that troubled me most -- it's apparent to me that it's not apparent that this is under control.

So does that mean that it is under control, we just don't know? Or is he acknowledging that it's apparently not under control?

I don't know yet. And that's doing to be (unintelligible) wrap up.

Go ahead Marilyn.

Marilyn Cade: So when we took the steps back in the day of introducing the first expansion of domain names I was appointed to the President's advisory committee with a number of the highly technical people that are now in the SSAC to represent the concerns of business users. And we told ICANN multiple times that intruding TLDs that had more than three letters sends most ISPs and the

limited number of web hosting companies at that time hard coded the lookup tables which we told them over and over and over again that actions they were taking would break parts of the infrastructure without a concerted both education and awareness campaign.

They refused to listen. And I see Ron Andruss sitting here.

And .travel and .museum and .info and .arrow had serious problems. Now this was not at the scale and scope of where we are today.

But the challenge we're facing is the question that was reflected in the security framework. And that is ICANN responsible for the decisions it takes that break things at the edge or that affect behaviors at the edge?

The Chair has a very narrow interpretation of that. That concern is - that view is not shared by many of the members of the technical community.

And I would say that what we need to do is to go back to the positions we took on the security, stability and resiliency report that Jeff represented the CSG on and come forward with concrete questions. The second thing I would say is I am told by people who I trust from the SSAC community that some things will break.

And my response to that is that does not sound to me like everything is under control.

Steve DelBianco: Thank you. So to continue after Mr. Crocker said that he then claimed it would be apparent to all that it's working by Buenos Aires. At that point Jeff Brueggeman noted that the security, stability and resiliency review team required under the affirmation of commitments called for addressing these problems proactively and called for process of community engagement.

And that sort of brings me to where I'm going with this. This morning the SSAC met with the GAC -- the government advisory committee -- and three times GAC representatives who've become more and more aware of this problem said to Patrick the Chair would you like some advice?

Would you like some advice to ICANN from the GAC in order to reinforce the concerns. Now the first two times Patrick said no, no, no just keep an eye on things.

And again we meet every three to four months. The next meeting's not until Buenos Aires.

There will be some delegations between now and then. Just keeping an eye on things again this notion that it's all under control.

At the very end of the meeting U.K. GAC rep offered to give advice in support of SSAC concerns. And all Patrick would say is that I don't mind having GAC support the SSAC advice.

I don't mind. And that's a major victory.

It's the notion there that SSAC is starting to believe that they ought to seek reinforcement. And if anything we've learned here in the reinforcement of GAC advice is powerful medicine.

So to the extent you have contacts in the SSAC please use the next cou9pole days to encourage them, encourage your friends in the GAC to put a couple of sentences of advice in their communique this week requesting that management listen to the SSAC concerns. So I'll wrap up by saying that I don't need a new BC position at this time.

We're very solid on this. I don't need a position.

What I want is to get your consent that we can press the board -- whether it's at the public forum or other cases -- press the board for information on these risks which is the studies we want published. We want to understand the staff's recommendations for mitigation and the adequacy of the mitigation.

And we want a public comment process once staff publishes the risk assessment and mitigation plan. Now this is not designed to delay the gTLD program.

That may be what some think it is. But frankly there might only be five or six TLDs that represent the majority of the risk for a name collision.

Holding them up until mitigation plans are done is no different than deferring exclusive generics while they work it out. Or deferring .zulu until they work it out.

A deferral is not a cessation of the program. It simply holds something back until mitigation is there.

Then if mitigation plans are put up and we have an opportunity the BC will do public comment -- whether it's on dotless domain or whether it's on name collision or search. And we'll be able to do that through our BC process of 14 day review and approval with everyone having an opportunity to input.

So that concludes the 10 minutes that I had. So let me ask Elisa -- is there time to take a few questions?

We'll take three questions. I have Amy, Jeff, Elisa. Amy go ahead.

(Amy Mushuwar): I would be very brief. First of all Warren is from the SSAC will be presenting on exactly how to resolve internal name conflicts tomorrow morning at 9:30.

I ask for all of you who have enterprise environments -- so servers with over 500 servers or virtual server environment -- to go to that meeting. Just because if you have a Microsoft environment the deployment tools for correcting internal name clashes are very kluge.

And this is something that will take a definite process to resolve and we'll have to socialize that with your technical team. And then in between Beijing and Durbin the ANA liaised with the Chief Information Security Officer Executive Network which is a group of 1500 Chief Security Officers.

And we briefed them on internal name clashes. I will tell you not a person on the line knew ICANN or knew what new gTLDs were.

And we were talking with members of the Fortune 1000 and very large companies. So don't assume that anyone has this taken care of because one of the difficulties of the name clash issue is that you have to publicize it with companies of a variety of different sizes.

So this is a technical issue and this is a publicity issue. So this will not be quick and it will not be easy.

Steve DelBianco: Amy do you have documents that ANA prepared which you would be willing to share with?

(Amy Mushuwar): Of course. Yeah we can...

Steve DelBianco: Could you put them to the bc-gnso@icann.org?

(Amy Mushuwar): Of course.

Steve DelBianco: The sooner the better. And I'll see you at 9:30 tomorrow.

Who else is in the queue? Jeff Brueggeman and Elisa.

Jeff Brueggeman: Steve strongly support your suggestions for the near term. Two quick additional things I think we should consider doing.

One is there is also, you know, the 2014 security review plan has been finalize. Patrick Jones said they are now in the process of developing the implementation plan for that and responding to the ACRT2 talking about what they've done to implement the SSR review.

So I think we should continue to (unintelligible) process and just inviting them here for a very short window.

Steve DelBianco: Question for you. Do you or any of the other folks at this table have employees in your companies that are technically competent to be on the SSAC who could appeal to join SSAC and thereby be a business constituency person the committee?

Jeff Brueggeman: You know I'll just give you my view is it would be very difficult for me to get someone -- the DNS is important to us. But it may be difficult for me to get somebody to come three times a year.

But I think but some of us here could facilitate impute into the SSAC certainly through means and do it that way as a first step at least.

Steve DelBianco: No and I see Laura of another big company Yahoo!?

Laura: Yeah. We've got security people. Our Director of Security ordinarily is coming to these meetings.

He was unable to make this one. But we have people that could...

Steve DelBianco: But having him apply for and seek membership to SSAC can change everything.

Laura: Yeah. Yeah.

Steve DelBianco: All right. And we have Elisa in the queue. But before I jump to that Jeff the security plan for ICANN really doesn't include the security of unrelated non-contract parties like regular companies out there that happen to use the DNS.

That's not in Jeff Moss' purview. He doesn't seem to care - I mean honestly that's not in his - that's not on his to do list.

Jeff Brueggeman: Well there are elements of the security plan that get into where ICANN doesn't directly control the resources but is doing - they have this th5ree layers of responsibility. And I think this falls within an area that they at least need to be concerned about.

Steve DelBianco: I'll follow-up with you to learn more about that. Elisa and then that's it.

Elisa Cooper: Well actually just to wrap up I agree. We should discuss this a little bit further tomorrow in our lunchtime meeting in terms of what our comments will be during the public forum.

Because I think this is such an important issue to us. And then I think it does make a lot of sense to kind of take it offline and figure out how we can correspond more directly with SSAC and get a group of individuals that are part of who have particular interest in, you know, security and stability to see how we can work better and then bring that back to the full membership and perhaps have that group report periodically to the full membership.

I think that makes a ton of sense. And obviously it's part of our charter.

So I think...

Steve DelBianco: That's it for me. Thanks.

Elisa Cooper: Okay. So Susan had mentioned to me as I mentioned a little bit earlier that she has been delayed. So why don't we actually press on.

And this actually kind of brings us back on schedule. And we'll take Susan in any other business - oh okay.

So we can take any questions for Susan on the expert working group. Just as a reminder for folks we actually met with Susan and we had about an hour call on the Wednesday...

Coordinator: Welcome to the conference calling center. Please have your pass code and conference name available (unintelligible).

Elisa Cooper: So at any rate I know the line dropped. So members are probably getting back on the call right now.

So at any rate I think - so moving on. Let's see if we can talk here a bit about the nominating committee and an update from them.

So Ron and Waudo?

Waudo Siganga: Thank you Elisa. I think I'll make this short report on behalf of myself and Ron.

Then if there's some questions we can both take them. I'll just talk about three things.

First of all mention the (unintelligible) that the committee has done to date just in the form of a report. And then I'll talk about the agenda that the nom com has in the - in Durbin.

And then finally mention some of the key process improvements that were (unintelligible) with the nom com this year. So the next slide please.

So some of the key activities so far -- the nom com centered its work in November last year in the Toronto meeting. And we've had so far this is the third face to face meeting.

We've had face to face meetings in all the ICANN meetings. That's Toronto, in Beijing and now here.

In addition to that we've had a number of teleconferences to do our work. This started off initially as a monthly teleconferences, then upgrading to biweekly and finally towards the end we have been having a weekly teleconferences.

We also had some meetings with the communities. This happened particularly in Toronto.

Those of you who were there will remember that we held one such meeting with where we listened to the concerns and took questions from the communities and also took their input, just exactly what they would like - what they would have wanted the nom com to do. We - the major work that the committee did was searching and evaluating of candidates.

There was a statement of interest call that was made in November last year. And the deadline for nominations was 15th of May this year.

And we got 111 applications which was actually a record -- breaking the record that had been set in 2003 of 110. The review of those applications occurred between March and July.,

So we're just getting that finalized at this Durbin meeting. The working methodologies that we've been using to do our work as I mentioned were the

teleconferences, then the face to face meetings and also we recruited - or rather we approached a recruitment firm -- professional recruitment firm that helped us to do identification and initial prequalification of candidates for the board.

Towards the end as we approach the meeting in Durbin we have also divided ourselves in what are known as deep dive teams that have done more in depth research on each of the candidates for - first for the board and for the other open positions. If I can go to the next slide -- the nom com agenda in Durbin.

That's the one, yes. Nom com -- there's a bit of a change starting last year and continuing this year in that the nom com (unintelligible) the whole period that the ICANN meeting is going on.

So we are meeting here for Monday the 15th, yesterday after Saturday. And yesterday what we did was we had an open and a closed meeting.

Some of you may have attended the open meeting. And later on we also had a meeting with the ATLC2 team to give them our reaction to some of the questions that they were asking about what kind of reviews that we think are necessary.

Today Tuesday we don't have meetings because it's a constituency day. So the nom com members are free to attend to meetings for their constituencies.

And I'm here with Ron. And I also noticed there are other members of the nom com that are here with us on.

Wednesday and Thursday, tomorrow and the day after we shall have interviews for short list of candidates. We have nine short listed candidates of the number that applied.

So we shall have intensive interviews with each of those candidates so that you can get more information about them before doing the final selections. And those final selections will be made on Friday and Saturday when we do the sections for three members of the board, two members of the GNSO council and two members of the CCNSO.

Originally it was one member. But there's another member that just left CCNSO council to be (unintelligible).

So we shall now be selecting two. And finally we shall also select three members of the ALAC for certain reasons.

So that's the short report that we have. I don't know whether Ron has anything to add or take some questions. Thank you.

Ron Andruff: I have nothing to add. I think you did a fine job of encapturing the work.

And I would just only add that I'm - Waudo and myself, Stephane as well -- I think we're all amazingly impressed with the quality of the candidates. Very, very high level, very strong candidates.

And I think that that for me was a great and pleasant surprise. Because we talk often about the fact that ICANN started with $1 million borrowed 13 years ago and here we are with a budget of $160 million.

So you want to have people who understand what that means and rapid growth complex organization. And there are people within that list of nine.

So with that questions please.

Waudo Siganga: Maybe just before the questions you'll excuse me. I just forgot to make a mention of the - some of the improvement agents that we've had this year.

One of them was we decided to be recording all our process discussions for internal use. That is all - anything that we're discussing that is not discussing the candidates.

And this helps us when we're reviewing our work and - to know exactly what we discuss. The other things was that we started issuance of monthly reports - update report cards which I think many of you have been receiving in your emails just to inform the community what the nom com has been doing.

Those of you who have been around for some time will know that one problem the nom com has always had was the kind of transparency in what it's doing. People don't know exactly what's happening there.

So this monthly update report card we are reporting on the meetings and the discussions that we were having. The other key thing that has happened is that this year we had a 350 peer review for the board -- for the incumbent board candidates which was something new and very helpful information for the committee. Thank you.

Ron Andruff: Yeah just one other thing. We also did - and it was really designed to ensure that the various constituencies could also see what their representatives were doing.

And that was we called for a report card vis-a-vis attendance lists. So all constituents can look back and see very clearly that - when their members were there and when they weren't.

So that was also a welcome thing and I think we saw some very good traction in terms of people showing up. Thank you.

Elisa Cooper: Well I want to take this opportunity on behalf of the business constituency to sincerely thank you for all of your efforts on serving as delegates for the nominating committee. I know that a tremendous amount of time that is

required so thank you very much and thank you very much for presenting on this topic.

John Berard: So this is John Berard. How do you balance the need for new blood and the benefit of continuity? Did I give you that question?

You know Stephane and I were new to the nom com. And what we found quite extraordinary were members who have been on that thing for 10 years - not consecutively but 10 years they've been serving in that capacity -- eight years, seven years.

And so sometimes questions would come up and they would go oh, well we did, you know, we know what that was. And we - Stephane and I and a few others would kind of look at each other and say I'm sorry -- stop.

Could you please explain exactly what you're talking about? And...

Man: But I mean in terms of selecting...

John Berard: Yeah. Because the fact of the matter is you don't need continuity. What happens is when the nom com 2013 finishes we will hand over our best practices to nom com 2014.

And we received those from nom com 2012. So the point is that best practices do get refined and honed and they're very strong.

So if you come on fresh without having any idea of what's going on you actually bring a lot of fresh ideas, fresh thinking, you're easily brought back up to speed and it's a very collegial environment that we work with. So when you have older members on there who have come around again and again and again it becomes very difficult because they bring their biases, they bring their friends, they bring their, you know, their different ideas and they want to dismiss things out of hand because we tried that before.

Perhaps I would even...

Man: But is that the same - when you're considering candidates for the board or the GNSO council, I mean is it saying that your bias is more towards new as opposed to continuity?

Waudo Siganga: Maybe I can just add to that. The overriding thing that guides our work when we're looking for these candidates or when we're selecting the candidates is really who's the best to serve ICANN.

So it doesn't really matter whether it's an incumbent or a new candidate. It's just who's the best.

And we have a number of criterias that we look at. So I think the idea that we have to have our bylines or we have to get the incumbents (unintelligible) doesn't really arise.

We just have to look at each candidate.

Elisa Cooper: Actually...

John Berard: The reason I - I'm sorry just the reason I ask is I sit often next to Jennifer Wolfe at the council meeting, right. She's a nom com appointee.

And, you know, it's a good thing that microphone doesn't pick up what she mutters often about what's going on. And it, you know, she - because she hasn't had the - hasn't been involved until she was appointed to the council I sometimes worry that she might not be able to be as helpful as I know that she can be because of her background is all.

Ron Andruff: I think the key thing here is that there's a t4remendous amount of information that you do get. You get the statement of interest.

You get the CV. You get often if it's a board candidate you'll get the search firm's review.

And then we do deep dives to - so the amount of data that we have to work with is really quite significant. And I think that's the beauty of the process.

Elisa Cooper: Okay. One more comment on this and then we're going to move onto the next topic.

(Jay Scott Evans): I'm (Jay Scott Evans) from Yahoo! and I served on a nom com last year for the IDC. So I want to chime in here.

I do think Waudo is right that there's an effort to get what's best for ICANN. However I believe that there are people who've served on that nom com for numerous years -- I was amazed that there were people who had been eight and 10 years when I was on it.

And I do think there's a prejudice towards the under the bubble people and not bringing in new people into the system. Oh, they don't know ICANN and they don't know this or they're not of the right ethnicity when in fact they truly are.

And there's a lot of political gaming that goes on. I was very surprised.

I had been told by former IPC representatives -- Alan Shenkman, Lucy Nichols that the nom com experience was the most positive experience they had at ICANN. I can tell you it was the most miserable experience I've had at ICANN and I've been here for 12, 14 years.

So I had a very different experience. I can tell you that I was serving for the IPC until I resigned on this year.

And I think Waudo and Ron will tell you that because it was so contentious last year the chair has worked very hard to make it open, to disseminate information, to make it a comfortable environment where free exchange of ideas can happen. And my service up until I think April or May maybe -- right as you started breaking into the groups -- it was a very positive experience and is very different this year than it was last year.

And I think I'm glad to hear that because there's so much - it is a lot of work. And so that was my experience and I just wanted to share it with you all because you had asked that question.

With regard to Jennifer I have watched several meetings and she has a couple of times been virtually attacked by people when she's asked like questions about why is the motion practice so cocked up and fucacta. And she was basically attacked to the point that an observer who was a new attendee wrote me a letter and said I'm concerned as a new person that this kind of activity and behavior that was not controlled by the chair of the GNSO thwarts new participation and makes people -- especially from cultures that are not used to confrontation -- to participate.

I brought that to the chair of the GNSO and he says, well I don't really know what we're supposed to do with that. And I suggested that he go to Ron's subcommittee and fix the motion practice so that it doesn't turn into a shit show like it did -- an embarrassing one in Beijing.

Man: Ron's subcommittee is called the Standing Committee for Improvement that I chair.

Elisa Cooper: Okay. So we really need to wrap this up because we need to move on. I mean I want to make sure we have enough time to discuss the charter.

That's really where I want us to spend the bulk of the time. We can answer these questions and forgo our break.

Or we can have our break. Okay. Forgo the break.

Zahid then Stephane and then we still need to really press on.

Zahid Jamil: Just very quickly on the council as a councilor one of the strongest supporters we've had on the nom com has actually been Jennifer in that - no, no, no, no I just - I completely understand. All I'm saying is that the perception shouldn't be that she's being difficult or that she's not been able to work on the Council. She's actually being very helpful to the BC and actually said what (John) has said. But just wanted to take that back. This is not sort of to say that she shouldn't be, you know, be back on. I just wanted to...

Ron Andruff: No. I appreciate that.

((Crosstalk))

Zahid Jamil: ...gained a lot of heat by the way. Yeah.

Ron Andruff: I appreciate what you're saying and actually I just want to comment on the fact she's also on my SCI Committee. So I have working experience with her. And I just - what I would like to say is simply that for NCAs - for NonCom appointed officers or individuals, it's a very lonely environment.

Zahid Jamil: Yeah.

Ron Andruff: They're by themselves. They have no one to turn to. You know, we've made a practice in the BC of kind of reaching out to NCAs and trying to get them a place where they can have at least bounce some ideas off and so forth. But it's a lonely place because they're supposed to be independent thinkers. And so you have to have pretty thick skin to do that.

So I think we appreciate the comments and I think that if, you know, we find our self in that same position and, you know, we might react somewhat similarly.

Elisa Cooper: Thanks (Ron). Quickly.

Stephane Van Gelder: Yes. Very quickly. This is (Stephane). Two things. I think the discussion that we've just had highlights the need for a GNSO Council review. And the second point, I wanted to inform the group what might be interesting to you. I thought I'd offer points that (Ron) and J. Scott made.

There is also this year for the first time on the NonCom a 360-degree review of the NonCom leadership. I think the comments that were made about the Chair and the atmosphere of the Chair has brought in this year, which has allowed us three certainly as NonCom members and others to make the NonCom more open is very important.

The Chair really has set the tone for that to happen. So this year for the first time we as NonCom members have been allowed to comment on the Chair and the Chair elect's performance. Just wanted you all to know that.

Elisa Cooper: Thanks (Stephane). (Lily Wong). I wanted us to spend a little bit of time and I'm going to compress the amount of time that I'm going to spend talking about outreach except for the fact that we've not done much outreach especially - there's been some outreach. Certainly (Jimson) and (Gabby) who are going to share with us some of the recent activities that they've undertaken.

But in terms of outreach that I've done and I've participated in it's been very thin. You know, I'm always certain to make sure that I discuss the Business Constituency any time I am talking to MarkMonitor clients. I conduct several Webinars every year. I always, always mention the possibility of joining.

But I would like to see if there are members of the Business Constituency that would be able to join with me to perhaps do some further brainstorming about either Webinars that we might have to encourage membership or a drive where we might try to ask members to identify at least one other person to potentially consider joining the BC.

And so I won't put people on the spot right now to reach out to me personally but I would ask that after this meeting if you would have the ability and time to help me brainstorm in how we might do a better job of outreach and increasing membership.

We've actually had a number of new members in the past month join so that's very good. So we've got a new member from General Electric. We've got certainly (Yon) but there's also been some others as well. So we're seeing some growth but I really would like us to see even greater growth especially as we move into the new landscape.

With that said, why don't we go ahead and let (Gabby) and (Jimson) tell us a little bit about what they're doing. And, you know, once we get past this we'll then actually get into our discussion about the charter. The slides are - yeah.

(Gabriella Szlak): Okay. Can you hear me?

Elisa Cooper: Yes. We can hear you.

(Gabriella Szlak): Okay. Thank you. Well thank you very much to be able to share some of the outreach in (unintelligible) within Latin America through (unintelligible), the (agency) that we have in (unintelligible).

So the purpose of this report is to show people this and be able to get some feedback and then maybe (unintelligible) we have some other BC members. Particularly we are coming ICANN meeting in Buenos Aires in which we

helped the BC in which we helped to encourage participation from other Latin American members for Business Constituency. So please next slide.

So what you see there in the (star) - well maybe some of you already seen this but I (think) and I thought it would be (fun) to explain who we are.

As you see here is a network of Internet related situations in Latin America. So in the (star), all those organizations are e-commerce, the Internet (chambers) from different countries such as Brazil, Mexico, Argentina, Chili, Columbia, Ecuador, Peru, Uruguay, Paraguay and so. (Several) to reach 80% of Latin American businesses that conduct their businesses through the Web. Next slide please.

So what's (eco vernanza) then? So (eco vernanza) is one of our initiatives that was born after thorough consideration. We had (unintelligible) understood there was a need to raise awareness in crucial (unintelligible) in Latin America from a business perspective. So we realized and I'm talking about (unintelligible) who is also following us in the remote who came into ICANN Fellows first.

There is the need for this awareness. In other word is users maybe in government groups that the private sector businesses or business for Latin America were not really participating in the BC. So we became members and our approach is to (really) act as a bridge for Latin American businesses particularly those that we represent and have our voices heard ICANN and other Internet organizations. So next slide please.

So what you see here is our launching event in December in Buenos Aires where we organized (unintelligible), which is a great (unintelligible) here. And we had as, you know, speaker our member of the Board (unintelligible).

And so we had the support of BC as you see there. Then we had a (unintelligible) around 130 participants. And the event is online and you can

find there the presentations, the pictures and some videos and interviews from this event but maybe you're interesting in listening but also of course is was (taped) in Spanish so sorry for that. Next slide please.

So the next slides are all about what we have done during this year since April after Beijing meeting. So you see here we are at the Latin meeting where she went for the presentation of the ICANN Latin American strategy. So the next slide please.

You can see that (unintelligible). This meeting was a region a day and this is a (unintelligible) organized by local (internet) organizations and (e-commerce) and the presentation was about in that of the new gTLD program for commercial users of the Internet and in various language that our audience will be able to understand.

So we also mentioned (unintelligible). We have come to meeting in Buenos Aires and the meeting was online. So there after the meeting you can get the slides and you will be able to watch it if you want and maybe use the materials in other environments. Next slide please.

And so what you see here is E-Commerce Day. E-Commerce Day we had one of our relation teams at the (unintelligible) that are - events are organized all over Latin America. We have every year (training) them in every country. So this one is from Chile, which was in June. All companies that you see there were supporters that actually had 1300 participants.

So we organized (unintelligible) there on service and innovation in e-commerce. And in this (very successful) at the time we had 400 participants in that room and people were very interested in new gTLDs and understanding what was going to be happening in the future with new gTLDs and e-commerce. Next slide please.

So we're also working on bringing more awareness on the legal world, which is why (Sylvia) authored an article in a very well known journal on (unintelligible). That will be published soon.

It will be on new gTLDs and (unintelligible) to ICANN and (their) governance and (unintelligible) will also be publishing some sort of article in the BC newsletter communicating what we do in Latin America and thank you for your people doing that.

And also you see there a picture of me. This was a TV show in Buenos Aires, in Argentina and I was invited to talk about e-commerce and consumers. And I had managed to say something of course about new gTLDs and consumers and the issue was so new for the audience that they told me they probably would invite me again to talk about that in the future. So next slide please.

So this was the last event that we have organized which was in June - last week of June. And we organized this together with (unintelligible) consumer, which is a project for (retail) learning. And this goes together with (unintelligible) that started NonCom and (unintelligible) from ALAC and myself and (unintelligible) changes in the Internet relations and the new (unintelligible) scenarios.

So this is very interesting that the new kind of event that we organized. And we hope to be having more in the future and we especially invite you all to be speakers in these events if you want to. And we can organize something even if you don't speak Spanish. And we could organize something to be able to have more BC members participating in these kind of events. So please next slide.

The next slide is about what's happening next. I don't see it here. Okay. So we have to be also having a (unintelligible) e-commerce in Buenos Aires. So this event is the 18th of December if anyone from the BC interested coming or maybe talking through a remote service we can do that. And BC will be

very value preparation of the ICANN meeting in Buenos Aires. So please let us know. We will be happy to have you.

And note that this is a multi e-commerce event in Argentina and it's the local business (unintelligible) to participate. Last year we had one - 18,000 participants and of course most of these companies were not at the ICANN meeting. So if you want - if you want more of them to come then we should do a lot of work at that event.

And so we (unintelligible) will also participate in last IDS, which is the corporation for IDS. And of course (unintelligible) commerce meeting in Buenos Aires. Of course we hope to see you all there. Next slide please.

And just to finish. Next slide - you can go over to the last one. This one is not necessary. So some thank yous here and thank you all of you for participating with the (unintelligible) and Marilyn, thanks to you and (Lisa) and other members of the group that are supporting us and are sharing content with us and for all the BC members in general for your (unintelligible) that we have because of the work around these initiatives.

And please (unintelligible) or anything maybe we can work together in awareness and outreach to Latin America or for sharing materials in IDS for other organizations. So thank you very, very much. That's all.

Elisa Cooper: Thank you so much for sharing that. That's really fantastic. So I know - I think it's - the time is quite late by you or quite early so I appreciate you taking the time and that was really fantastic. Any quick questions for (Gabby) before we move on to (Jimson)? And then we'll jump right into our discussion on the charter.

But before we get into the charter, we have a special presentation to make. I see there's one question over here - two questions over here. We'll take those then - three. Let's keep them really short because I really want to get to

this charter discussion because we've been putting it off far too long. Zahid, Marilyn then (Ron) and then we'll have our update from (Jimson) and then we will go to a special presentation and we'll then move to our charter discussion.

Zahid Jamil: (Gabby), just want to say that was a really interesting presentation. Very helpful and, you know, the wonderful work that you're doing down there. So you do all the sort of fresh (unintelligible) and also the television shows.

I want to just note that you mentioned there was a pre-event for the next ICANN meeting. Anything that I can do and maybe others here will be happy to sort of help out. As you said, there might be the opportunity of doing, you know, you know, dial ins or Webcasts, et cetera. Do let us know. We'll be happy to help. Thank you so much.

Elisa Cooper: I'll just second that. Any way we can help with that please do let us know.

((Crosstalk))

Marilyn Cade: Thanks (Gabby). It's been a pleasure for all of us to be able to work with (Gabby). I think (Gabby) made a point that I just want to reinforce and that is that (Gabby) came to ICANN through the fellowship program, not identified by us but self-generated. And then she found us and has become one of our most active members.

And I think (Gabby) you and (Jimson) who's going to speak next are just real examples of the ability for someone who is expert in the region to be able to customize what suits the region and you're going to hear very, very different approaches.

(Gabby) used an existing gathering that hundreds of thousands of people were coming to anyway and customized a awareness campaign. We're hopefully going to benefit from a little more ICANN money next year. And

that's the reason I wanted to plug this because we've been able to really customize the approach because a local expert has been the leader on it.

Elisa Cooper: Okay. Thanks Marilyn. I think - (Ron), did you have something that you wanted to add?

Ron Andruff: Yes. Thank you very much Chair. I just wanted to bring up that following the creating a new ICANN five-year strategy or that program yesterday I participated in that with two GAC members in fact. One was from (Thailand) and the other was from Switzerland as well as (unintelligible) and a few others.

When we were talking specifically about outreach and this sort of thing, that was our topic. And to my great surprise the GAC member from Thailand said, well, you know, in our country we know our - we know the businesses. And so if you were to talk to me he said in fact we have budgets for that. And so if you knew the businesses - we have the businesses - we know the businesses, we know the budgets.

And then that led to the idea of well the ccNSOs they also in those countries know their businesses. And then that led to well the registries and registrars that may be located in that country also. So instead of maybe always looking out as we have been, we can actually look internally and start to recruit the - and enroll the GAC members and the ccNSOs of those nations.

So in this case Brazil. We could actually - or Brazil, beg your pardon. Argentina. Pardon me (Gabby). So that we can actually get the Argentine GAC member involved, the ccNSO involved, registrars, registries locally to bring businesses to a mixer as we did last night.

And then last night at the mixer the Thailand rep was there and I said, "Would you be prepared to cover an event - the cost of an event like this? Would that

be reasonable?" He said, "Absolutely, no problem. We all have budgets for that."

So not only do we have opportunity here to expand but maybe it's even paid for. So I just wanted to bring that to the table and hopefully we can carry that forward.

Elisa Cooper: Great. Yeah. Let's definitely - you can join me later and let's take that offline in terms of all the different ways we can think about outreach. So that's fantastic. (Jimson), I think you wanted to give a bit of an update as well and then we will, like I said, have a very brief threshold presentation and then we'll move into our charter discussion.

(Jimson):   Okay. Thank you very much (Elisa). This is (Jimson) (unintelligible). Thank you from (Lagos). Well I greet everyone. Good afternoon. My presentation is very brief. I did some - I talk already (unintelligible). And the (unintelligible) was last Wednesday (unintelligible) permission on planning the (unintelligible).

The single (outreach) of the (unintelligible) in Africa. And I'm not going to go into the (particulars today) (unintelligible). It was to have a call the need for businesses to be fully engaged. And we (unintelligible) with ICANN and also (market) with a big event.

We then move also (marketable) industry of Africa (unintelligible) lands. This is lands owned by (unintelligible) to the (unintelligible). And so (unintelligible) as well.

That (unintelligible) Nigeria, India, Kenya, the South Africa (unintelligible). (Unintelligible) right there. And so it was a very successful event. (Unintelligible) focusing on regional businesses and more than 100 business leaders showed up for the outreach to the community. We're really, really stimulated and (unintelligible) to have (unintelligible).

Thank you Marilyn for being there. She made a very (positive) addition (unintelligible) and the (unintelligible). And also encouraged (unintelligible) and also could be directed or (unintelligible) and their voices can be heard. Great session.

(Unintelligible) because Africa is on the edge of (unintelligible) when they cannot afford not to (mobilize all with) registry stakeholders that want to participate in the process.

So also what Marilyn did was she did very, very well because we had other people that (unintelligible). Good to have the (unintelligible) road show in conjunction with the (unintelligible) mobilize that. And we have (unintelligible). And that one (unintelligible) us being there.

As I said with 100 people (unintelligible). And so we had (unintelligible) but in fact the (kids) were also involved. And so for (unintelligible) engaging process with ICANN, BC (unintelligible).

We (unintelligible). And also (unintelligible) ICANN (unintelligible). And so (unintelligible) involved (unintelligible). So we had a declaration at the end of the day - a declaration called (unintelligible) that decided (unintelligible) that (unintelligible) would support (unintelligible). And depending on the stakeholder (unintelligible).

And also (unintelligible) and the issue of (unintelligible) corporation of the (unintelligible) governance. So Africa (unintelligible) develop (unintelligible). All in all the people (unintelligible) participated had a good outing (unintelligible).

I want to thank you the Chair (Lisa) and (unintelligible) I made some requests and granted it (so quick). And (unintelligible) India (unintelligible) support which (unintelligible).

I think yeah it was like very good as a way of continued process. It was very (unintelligible) participate (unintelligible). So hope to do this again next year (unintelligible) Africa. And the (unintelligible) and the support (and helping out) of the BC.

As I conclude I also definitely thanks everyone - the BC for all they did - they involved in. Also thank (unintelligible) special event of the (unintelligible) for their (unintelligible) support.

And also (unintelligible) our position we cooperate together to make this happen. Thank you very much.

Elisa Cooper: Thank you (Jimson). Any questions for (Jimson)? Okay. So before we move into our charter discussion, I did want to take a moment to thank someone who's really been instrumental in the ongoing operations of the Business Constituency.

And frankly he has gone far and beyond his call because frankly he's served continually past his current term because we've needed him. And I don't know that he knows just how grateful I am for that. I am immensely grateful and sincerely appreciate all that he does because I think many of you don't know just how much work he does do.

And so we do have a special certificate and appreciation of Chris Chaplow. I really do thank you.

Man: (Unintelligible).

Chris Chaplow: Thank you very much (all of you). Thank you.

Elisa Cooper: I know also again I really cannot convey my appreciation enough for all of your work for all of these years. I know also that you've worked very closely

with Marilyn in the past and I know that Marilyn also has some words of appreciation to share with you.

Marilyn Cade: What I'd like to do is open my words of appreciation by making sure that everybody else in the room knows what the Executive Committee knows. Some of you are new to this experience but in 2010 when we organized and launched the executive - the new executive structure, we did have an elected Vice Chair who found very quickly that - and we had a Secretariat that we brought with us from our previous organizational structure.

That Secretariat resigned because he was preparing for retirement and sent us our materials and documents in a box and electronic files. And the Vice Chair of Finance and Operation who had stood for election and assumed he could take on what was going to be a relatively lightweight job found that in fact he couldn't do it.

So he asked the Executive Committee that he would like to withdraw. We had another member who was very interested in taking the position. But within a month after accepting the position very sadly had a very, very said health crisis in his family and had to withdraw and actually resign from the BC to deal with his family situation.

And Chris made the mistake of picking up the phone. And said, we'll, you know, I run a small business and I'm familiar with bank accounts and, you know, administrative details and a few other things and well sure. Sure. I'd be happy to help out as the Vice Chair of Finance and Operation.

And so, you know, after luring him in to saying yes, we then assigned him the job of figuring out how to open and establish a banking account with no legal status to an organization. We asked him to help to identify and recruit a - and train a professional Secretariat with no previous documentation to the work that had been done.

We asked him to also take on establishing and coordinating a budget working group across the CSG and to take a lead role in representing the CSG in the budget work. Let me see what else we do. Oh right. We also established for the first time in layer of accountability in a charter to establish a finance subcommittee. And we asked him to take on the management of that additional supervision.

And then there's just been a few working groups of particular concern that Chris has also taken on and helped to work. So I must say as the past Chair and a continuing member of the Executive Committee that the other thing about Chris is we've never been able to convince him that a call is either too early or too late for him to be willing to change his work life in order to participate.

Constantly and consistently extremely professionally as a leader and a contributor both as a member of your Executive Committee and a very active contributing member on policy and every other thing that has made the BC the success it is.

Chris Chaplow: Thank you guys. This is so - what can I say. Thank you very much. That was a complete and utter surprise. And, you know, you managed (unintelligible) when we took over this - going through all those things, you know, and some very extensive contacts that we had to deal with - Secretariat that we had to - was using. So thank you very much and thanks everybody for that. And of course thanking Benny as well, my (unintelligible).

Elisa Cooper: Well thank you Chris. Really we sincerely, sincerely appreciate all of your hard work. Like I said, I don't know if you know how much we do but we do. Okay.

Let's get into the meeting. We are going to take a crack at discussing the charter. There are definitely a few areas that I have discussed with many of

you on a one-on-one basis in terms of things that you would like to have changed.

(John) actually took a crack at some amendments and so if we can actually pull that version up, we can take a look at some of these amendments that have been made by Chris. I'm sorry, by (John).

And so I don't know. I sent this around to all members but frankly with everything going on I don't suspect that anyone has had a good chance to take a look at the changes.

Well I mean there have been a number of issues. So (John) just asked me, you know, why is it - do we, you know, that we want to change the charter at this point. And there have been I think, you know, it's been evidently lately that there have been issues, which I think could easily be addressed within the charter.

So the items that, you know, I would like to raise for discussion in the charter are things that either there have been issues or people have come up to me specifically. But I don't know (John) if you had other reasons why – yeah, I mean it's basically...

John Berard: I just didn't want people to think that I had nothing to do so I just...

Elisa Cooper: Oh gosh, no.

John Berard: Just wanted to clarify.

Elisa Cooper: Okay, sorry. Got you. So I think we can go about this a few ways. It might make sense - we can actually start off with (John) since you've actually done some of the work. But then, you know, there are other areas that I think we should take a few moments to talk broadly - maybe you can talk, (John) broadly about the kind of changes you made, as opposed to sort of going into some of the details. And then we can go through some of these other sort of

top line items and then hear from members as well things that we want to discuss.

John Berard: I don't have any executive power here so I didn't make any changes, I just conjured some suggestions that might make our constituency more recognizable to people who are looking for a place to land at ICANN. Driven, I think, by the expected - by what we have seen as a result of the new GTLD program, and what we expect the follow on changes to be.

In my mind, what I think my personal motivation was that somebody seeking to land at ICANN, at this point, probably has three or four or maybe even more places that they could land. And why would they, you know, why would somebody join the ISVs, somebody join the BC? Why would somebody join (ALAK)? I mean there are many places to go.

And I thought that for our own sanity, we should seek to be more clear and certainly more precise in who would be an appropriate member of the business constituency. So that's really what I sought to do. My recommendations are conversation starters. I really can't read that myself. And I don't even know that I can remember what I volunteered to suggest, but...

Elisa Cooper: Yes, it was circulated.

John Berard: And, but that's really where I am. We're taking a look at the mission of the business constituency, taking a look at the membership qualifications for the business constituency, and then even taking in some more specific qualities and characteristics of, not just the kinds of companies or entities that can belong, but who at those companies and entities ought to be the most appropriate representative of that entity at the business constituency.

I'll just leave it at that.

Elisa Cooper: Okay.

John Berard: And I guess we really probably should begin with a bigger discussion of whether or not our mission is the one that...

Elisa Cooper: I agree. So I'll start off and listen, if you can just pull the mission is really sort of three statements around promoting (unintelligible) confidence, making sure that the market's competitive and the supply of registry and registrar related services, and also that making sure that the Internet - that the DNS is technically stable, secure, and reliable.

And to me, there's sort of one area which is missing from our mission, and that is around making sure that ICANN itself is a viable, healthy structure. Because we spend a tremendous amount of time making sure that ICANN is a strong place, that it's not, you know, that it continues to thrive, that this multi stakeholder model continues to provide the kind of policy development process that meets the needs of everyone.

And we spend a ton of time doing that stuff, but that is not part of our mission. So the question is -- I think in my opinion -- either we need to add something to this mission statement potentially or we don't really participate as much in those type of activities. And I would like to hear from others. (Marilyn)?

Marilyn Cade: I was going to make another comment, just a little bit of an historical comment about why one of those bullets is there. When we vote this mission statement, we were rising at a time when there was not a competitive registrar environment.

Elisa Cooper: Okay.

Marilyn Cade: So I think we should look at each of the bullets and say, "Does it actually - is it fit for purpose today or worded quite right today?" And I think it might still be fit for purpose, but I just wanted to mention that I would support adding a

comment. I'm looking - I'm almost focused on (unintelligible), I'm looking at you and (Jess), and particularly because of your involvement in the Internet government issues and (Paul Mitchell).

So this idea about ensuring that there is a stable, predicable, accountable governance structure overall within ICANN, I think does need to be reflected in our mission statement somewhere.

Elisa Cooper: Other thoughts on adding something along those lines? Or did any of you feel strongly that we wouldn't want to add something like that? Either way.

Marilyn Cade: I think it's an important element to add at this point. I would agree.

Elisa Cooper: Does anyone think that we shouldn't add this? Because this is what we spend a lot of our time doing and I think it's the right thing to do. Like, in order to accomplish these other things we have to make sure ICANN is stable and secure, clearly, but it would be good for us to lay it out so that we can kind of look back and say kind of, "Okay, this is why we're doing this activity."

John Berard: I agree, and I think it fits with (Steve)'s mantra of the public interest as well - that there is a broader perspective here than just assigning a name without that broader context.

Man: I would add that from the credentials committee point of view -- I think I'm the only representative here -- obviously, the tighter we can define this because as (John)'s quite rightly pointed out right now, we really are, you know, such a mishmash, and the tighter we can define that mission, is (unintelligible) help the credentials committee as it moves forward and new people come on board.

Elisa Cooper: Would someone be willing to take a stab at a draft bullet that could encompass these thoughts?

John Berard: I'm not volunteering. I'm just responding to (Ron). I'm - my suggestion was not rooted in exclusion, but it was based upon as people look at ICANN, you know, where do they see themselves best. And I just want to make sure that the definition of membership in BC allows people who we would love to have in the business constituency recognize that it is a place for them to be.

Elisa Cooper: Right. Okay. So (Ron) - maybe we can kind of work through the charter. I'm sorry, (John).

John Berard: How dare you. Just call me (Berard).

Elisa Cooper: Don't call me late to dinner. That was so stupid.

                 Okay. So in terms of - I'm scrolling through this like you can see what I'm doing. So there have been some I think kind of slight but interesting amendments made by (John) to do with membership in terms of specifically who can participate. There's, but I don't - I think these are all good amendments, but I don't think there's anything that's particularly controversial. But I'm not sure if anyone can see these.

                 Yes.

Ron Andruff: I would - This is (Ron). I think you're right. There's not much controversial here. I would assume that what we're doing as a working session...

Elisa Cooper: Yes.

Ron Andruff: ...is actually go through the list and people can...

((Crosstalk))

Ron Andruff: I don't know if we have to go kind of word by word, comment by comment, just in the interest of time otherwise we probably won't get past the first second.

Elisa Cooper: Yes, in principle I don't think there's anything in here that's controversial, so you're right. I think we should move on.

`   The next area that I had actually identified in our agenda is around elections. So I've heard from some members that there's a desire to potentially move to a two-year term. Along with elections is sort of the whole issue around term limits.

              So I think that's something that we should sort of put out there and discuss whether or not we think term limits are something that we want to implement or implement in a qualified way along with looking at the terms. A one-year term is not a long time, although it could also potentially discourage people because if you go to two years and a lot of people say, "I can't handle a two-year period." But I have heard from members strong thoughts about both of these.

Ron Andruff: One of the things -- this is (Ron) for the record -- one of the things that we did with the standing committee implementation, was to create a structure where you can be chair and the vice chair are elected for a one-year term, but they have the option -- their option -- to stay on for a second year if they so choose. And that was an interesting situation insomuch as if it does become overbearing, you really need to step down there is a point where one can. But the option that we had was maybe a little bit unique, but it was actually at the chair's option, not the body's option if that makes sense.

Elisa Cooper: And then I have Stephane and (unintelligible).

Woman: I think there are a couple things here, for one, looking at what kind of time and effort and energy elections take, whether it's for the people who are

running or for the secretary or whatever, that's one (unintelligible) that might be helpful for us to consider.

In other situations, I've seen that chair positions - the first X number of months allows somebody to get up to speed and sort of get their wheels oiled, and so if in some ways it is a two-year term, you take away some of that learning curve period every year if it's not the same person being re-elected. So haven't made up my mind, but I think considering a two-year term would be an interesting thing to consider.

The other thing is one thing is that I think we're challenged with is having enough people ready, willing, and able to take care of the leadership positions in this constituency but also the workload. So how do we work on both of those elements to ensure that we also give opportunities to people that would allow them to then devote more time by being a leader in some position. And so in that respect, I would also say we should think about whether there should be the number of terms that should be limited.

Elisa Cooper: Stephane, (Marilyn), then (Steve).

Stephane Van Gelder: (Unintelligible). Just (Ron)'s - thanks (Ron) for telling us the (SCI)'s looking about this, it's very interesting option. But I think we have to differentiate between chairs and other positions. I think somebody on the (SGI) with regards to the (GNSO) chair position, you're probably looking at a specific.

Ron Andruff: Just a point of clarification maybe I wasn't clear. Only the (SCI) itself, so the standing committee, that was - we're putting that into our charter. So it's not for looking at other bodies within - that's why I say it's a unique animal that's actually the standing committee chair election is for that chair, for that individual of that committee only.

Stephane Van Gelder: Right, it's useful. I had not understood.

Ron Andruff: Exactly, I saw it in your eyes. So I'm glad I got it out there. So we did that because we didn't have a function, and now we've actually taken our charter back to the (GNSO) and said, "It's time to update it, but we're struggling with our mandate, should be sun setting or should we continue." And we said part of it was we had established this, but we didn't have a mandate for it so we needed to get that clarified.

Stephane Van Gelder: Right, thanks.

Elisa Cooper: (Marilyn) and then (Steve).

Marilyn Cade: I'm feeling a little bit like a made a story in here, but I thought it might be helpful to know that we considered some of this last time around. And we also took advice from the ICANN staff on what the practices were, both in the (GNSO) and elsewhere. We followed the model on the one-year term on officers that is present practice on the (GNSO) council for the chair and the vice chair position.

And the discussion that took place was that a one-year term for an officer chair or other officer is really not a problem, because if you need membership support in order to be able to be in that leadership position. So the election, if you're a chair and an officer and you're doing a good job and you have the confidence of the members, you're probably going to be elected for a second term. So that was some of the thinking that went on.

There is a standard term limit someplace in ICANN. I'm thinking about what it is now. Some of the constituencies do have two terms, but in some cases those two terms are two-year terms. So when we think about term limits, we need to factor in I think the combination of it's a one-year term, blah, blah, blah. You can look at (WASEE), (IPC), you know we can look at what other organizations have done. And maybe to - but I think it's something, like, no

more than X number of years non-consecutively, because it may also be a question of consecutive.

There's only one other point I wanted to make and that is - that's probably it.

Elisa Cooper: (Steve), (Ron), then (Alberna)

Steve DelBianco: One year makes sense, and this notion of trying to maintain continuity can be done through the term limit. Term limits are designed usually for one of two reasons to force new blood into the system and it can work. There are times when we have a vacancy due to a resignation, where it takes sometimes months to get a new person. But eventually somebody comes forward. I think that that's positive, and it can work.

Another is to try to remove somebody from office if they sort of have just been there too long. So four years is policy coordinator. A lot of you may feel like enough of (Steve), but it might be that the question that people don't want to run against somebody like that because they've done a lot of work and might feel like it's a little disrespectful. But if you have new blood, sometimes the way you suck it into the system is by creating that opportunity.

Also I want to say that if we don't have a candidate who wants to run against someone, I've seen council employ what I initially thought was the craziest thing I've ever seen, and it's Chuck, not Chuck. In other words if I were - nobody had wanted to run for policy chair in my third year and it is a three-year term limit, you basically conduct an election that's (Steve) and not (Steve). There is no point of having a candidate step up to take on an (unintelligible), you just have an opportunity to say time for something new. And if the majority say not (Steve), you have a vacancy.

So I haven't thought it all through very clearly, but it seems pretty interesting the way it's worked on council. I don't even know if it has a name, right? The

negative option. Chuck, not Chuck, right? Where'd you get that Stephane? Do you even know where that came from?

Stephane Van Gelder: It came from the restructure from the 2009 restructure, because once you got into the bicameral system, there was a - the way the chair was elected the balance changed. So that's where it came from. That was a Stephane, not Stephane as well, unfortunately. And it is a very strange thing.

Steve DelBianco: Yes, so it was designed for that bicameral house thing and we don't have that here so it may not fit at all.

And finally, with respect to term limits, if therefore a single office -- let's say you did three year, no more than three years just for sake of argument -- is the understanding that after three years as policy chair, I might want to run for counselors, because councilors are on executive committees as well. So if the term limit says this is the term limit for being on (X Com), than you don't have the opportunity to build a (unintelligible) system for your next councilor.

So I would suggest that the term limit might be for a given seat, that that means that you should know that that same candidate may well run for another seat still on the executive committee, because we do need to groom people along.

Thank you.

Elisa Cooper: Okay, next we have (Ron), then (Alberna), then (Patig).

Ron Andruff: Chair, I wanted to speak to the voting structure, so if people want to continue to talk with this topic, but then enter elections I want to talk about vote.

Elisa Cooper: (Unintelligible)

Stephane Van Gelder: I just wanted to strongly agree with what you said. If we set term limits for the (X Com) rather than individual positions, we will be shooting ourselves in the foot.

Elisa Cooper: Yes. Okay, so Chris.

Chris Chaplow: Yes just quickly on the term limits. A little while ago I actually thought we were term limited in the sense of five years and ten years. And I thought I had read that somewhere but I can't find it now. I can't find it, but it is an idea.

Elisa Cooper: (Alberna)?

(Alberna):   I wanted to just say that if we do consider something like term limits, we might considered staggered limits, so X number of years in any give post two X in -- whatever it is -- in any post on (X Com). I think that there are a variety of different ways to structure it exactly, but that seems to address (Steve)'s concern about building out people's experience without sort of turning it into a (unintelligible) barrel situation where people just run.

Elisa Cooper: Would you be able to help draft some language about that?

(Alberna):   Sure, I mean I don't have strong feelings about the

((Crosstalk))

(Alberna):   But I'm happy to think about it.

Elisa Cooper: And I think everything we're discussing right now I think, you know, the idea of let's try to boil this down to some extent, put it out to the list, get further comments, and then these things will have to go up for vote.

Marilyn Cade: I'm not sure my comment belongs here, but I think we also need to specify that we have to be -- let me say it a little differently. I don't think that we can

have an officer who is also an officer of another constituency, or representing another constituency. So we need to think about with the other qualifications are, and I'm not sure where it fits in.

Man: I just wanted to say two things. One, strongly in favor of term limits, and I think that sort of a structure helps us keep balance, and really look forward to you providing us with something. And I think the way that you put it is great because of the other aspect of the (futent) situation also doesn't linger.

Elisa Cooper: Now there is another - does anyone have anything else to say about term limits?

There is another issue around elections that has come up now several times and that is -- and I feel strongly about this -- is that we change the language in the charter to say that elections are always required for non-(Com) delegates, the selection of them. I think, you know we can put some language in there that says that, you know, if there are not more than, you know, two people or if there is no need for an election because there are only one candidate per seat, I'm fine to not have an election and go through that.

But if there are at least two people applying for the same seat, I would like to change the charter so that this is always decided by vote as opposed to the discretion of the chair or the, you know, executive committee.

Does anybody feel - have any thoughts on that, or feel strongly that - you know, we can have the Chuck, not Chuck situation too, that's fine too. We can just say simply, "We'll always have a vote elections."

Yes.

Elisa Cooper: Well as someone who is on the receiving end of not having the benefit of an election even though I had put my name forward last year, you know, the charter was relied upon as one of the reasons why there wasn't one. So I

think that in order for that not to happen again, then that part of charter absolutely needs to be changed unless people in the room feel that appointments are the way to go. But it's not transparent; it doesn't allow the membership to decide. It puts all the decisions in the hands of one or a few people.

Man: Yes, I thought it was actually (unintelligible) opposition to having this put in the charter. And so - just one little practical point, is it does actually come at a really awkward time, the timetable, and we might have to think about (unintelligible) earlier in the year ahead of some of the holidays.

Elisa Cooper: Yes. Okay, that seems pretty straightforward. I'll take that upon myself to work on some language around that.

There is another item around elections that I would like us to also consider, and that is there is a requirement for anyone on the executive committee to have been a member for the 12 months prior to the election. And frankly, with the potential for us to grow and interest from new members to participate, I'm not sure if I'm comfortable with that requirement of having been a member for the 12 preceding months prior to the election. So I'd like to hear some thoughts from others on that.

Marilyn Cade: Sorry, I'm going to play the historian again for just a minute. We debated this extensively, and there was a very strong feeling at that time -- and I know (Ron) was there, some others were there -- there was very strong feeling at that time that to be a representative, that you really need to have a thorough understanding of the membership and the concerns of the members. Because you are either in a governing role or in case of a councilor, you're in a representative role.

I personally think there is a benefit to having - I don't think people should join the BC just to stand for office. That's not the benefit of being a BC member. The benefit of being a BC member is to build a representative consensus-

based voice. And I - so I would say just, personally, although I usually - I will say personally that I do think that it is should be continue to be a requirement that you be a member for a year. But that is an individual point of view, but I just wanted to give it a background of the discussion.

Elisa Cooper: (Zahid), then (Ron) and Chris.

Zahid Jamil: I think what (Marilyn) says is actually true in certain contexts. I'll share my own experience. When I was in Paris and the ICANN Paris meeting, I'd become a member of the BC about a year in advance, but I may not have and I got pulled into the office position because they needed a fill in for a vacancy from reasonable diversity. Now had I joined right about then, I would have had to comply with the 12 month period and there would be no way for that problem to have been solved.

So I think maybe there should be a possibility to suspend that requirement, and suspend that rule for instance. I mean maybe that's one way to go that complicates things. I don't know. But I do think that we need to be able to let fresh blood in, because sometimes if they don't get involved, they may not stay.

Elisa Cooper: My personal opinion is that it makes a lot of sense to potentially suspend, especially given that frankly we've got a couple of new members who have participated in a very extensive way at ICANN for a number of years and, in my opinion, are experts with many ICANN activities and procedures, and frankly they're not eligible to participate on the executive committee. So partially that's partially some of where this is generating from. So my personal opinion is that it would be good to have an option to suspend in a special case. I forget where we're at.

(Ron) and then Stephane.

Ron Andruff: Thank you chair.

I'm grateful for (Marilyn)'s comments because that historical view and that understand that she's approaching is very important. You really do need to know the BC, even if you come from other constituency. You can't just jump from one constituency to another.

And in fact, I'll let (Stephane) speak to this, but he's mentioned to me that he's coming from one constituency to another is actually a change of world, the way we approach things, how we do things, and so forth, positive and negative. But it's very much a different perspective than coming from other constituencies. So for that reason, I think one year, 12 months, and three meetings, you need to be part of the BC for that.

I would also add, I support the idea of a waiver when there's a vacancy. Because we really are one of the -- well I think the other constituencies probably are too -- but we're pretty strong about our regional diversity and making sure that for all appearances our global organization. So yes, if there's a situation where we need to have a vacancy, we could have a vote and have a waiver, go through the proper charter policy.

The other thing that I would add is that we should be extended this to all elected positions, not just to (X Com), but it should be 12 months in, then you have the ability for any election. But I don't think we should be grandfathering anything in, saying well you're elected, but you don't need to be here 12 months. I think everybody should be here 12 months before they can be elected, I think that would be - and recognizing that this is the charter going forward, not the charter now.

Elisa Cooper: Chris, then Stephane, then me.

Chris Chaplow: Yes, I would support the 12 months. I would also support an exception in the event of there not being a suitable candidate or candidates nominated. And the other point is just the wordings completely wrong in the charter. It should

be the registered primary or secondary representative of a member. Those members (unintelligible) not the person.

Elisa Cooper: Okay.

Chris: (Unintelligible).

Elisa Cooper: Stephane, (Zahid), and then (Susan).

Stephane Van Gelder: Stephane Van Gelder. So as we've had the historical perspective, so try and give the newbie's perspective. What's (Ron)'s saying is an accurate portrayal of communization that we've had, where I've said, "It's an interesting group and I'm glad I've got time to learn it."

However, I do not agree at all with this requirement for 12 months, or any time to learn for one simple reason, these are elections, we're all adults, we know who we're voting for, and I can tell you one thing -- as you know I don't want to use this as an action platform -- but I'd be nominated for a position if that 12 month rule was in place for that position, I wouldn't be able to run. And yet I feel that I can fulfill that role for the BC.

So I think we're actually, once again, I don't understand why we're trying to complicate matters. It's an election, let people run, convince others to vote for them, if they can't, then that's fine, people can make their own minds up. Why add more rules when you don't need them?

Elisa Cooper: (Steve)?

Steve DelBianco: Yes, you just took the words right out of my mouth. (Unintelligible), it's an election. If the membership feels that you don't represent the ethos of the constituency, they will not vote you in. But if they feel that you are -- whoever it might be -- an individual who's capable of representing the constituency,

they - you'll get voted in, one. Second, having that rule there gives the impression that we're an all boys club. We need to change that.

(Susan): I want to clarify what you said... but on non-(X Com) too..

Steve DelBianco: What I was suggesting, (Susan), that if we're now establishing that we're going to have elections for all positions within the BC, that's kind of how I'm understanding this, if that's the case, what I would say then that it should be a...

((Crosstalk))

(Susan): So we're only talking about non-(Com)

Elisa Cooper: ...for having the elections. Options to do elections or appointments by the executive committee.

(Susan): Okay, so this is not adhering to all the other positions.

Elisa Cooper: Right, Yes. We don't really have elections for anything else.

Steve DelBianco: I was confused too.

Man: That would be a valid concern.

Elisa Cooper: So clearly it seems to me that there's some varying points of view. I think minimally what I heard is -- and tell me if I'm wrong -- is that people are minimally okay with sort of an exception or the ability to suspend the requirement.

You're not. Okay. Yes.

Man: Let's put it out more to the membership, get it on the list, because we're too few to...

((Crosstalk))

Elisa Cooper: Let's do what we - let's put in - if there are two views, then put alternate language in. Taking the (unintelligible) when there's a subset of us here, and not able to actively participate not fair to people who are here. But if we put options in, then people can express their point of view and engage in it. And I think, you know, you can put both options in square brackets. That's kind of a...

((Crosstalk))

Elisa Cooper: I don't see why I can't ask people.

Man: (Unintelligible). I don't see a problem.

Elisa Cooper: Wait, this is not a decision, it's just to get a sense of where we are with this.

Ron Andruff: Yes I don't -- this is (Ron) speaking -- I don't think that there's the issue there. The point is that we're working through a document that's going to be put on the list. There's lots of work to be done. If you want us to put our hands up right now and look around we could do it, but I'm just saying...

Elisa Cooper: Yes, I'm just curious.

Ron Andruff: Go ahead chair; you're the chair.

Elisa Cooper: Okay, if you are in favor of abolishing the 12 month requirement raise your hand. If you are in favor of maintaining the 12 month requirement raise your hand. Very good. I mean, I just wanted to get a sense of where we...

Man: (Unintelligible).

Elisa Cooper: Sorry. Is (Gabby) on the line still too?

Man: (Unintelligible).

Elisa Cooper: Yes, and (unintelligible) send that off to us.

Woman: Can you announce how many people voted because otherwise
                (unintelligible). Do you know how many people voted?

Man: It was a majority saying that... thirds one third.

Elisa Cooper: Sorry, two thirds.

Woman: (Unintelligible).

Elisa Cooper: Okay, and is (Jimson) still on?

(Jimson):   Yes, I'm on.

Elisa Cooper: You're in favor of keeping the 12 months requirement.

(Jimson):   Yes.

Elisa Cooper: So I don't know, hard to say. Maybe it's - yes, I don't know, maybe
                somewhere around I don't know 60...

Man: It's split.

Elisa Cooper: Yes, it's split.

Man: If it's split we should put both options on there.

Elisa Cooper: Yes, we will put both options. Stephane?

Stephane Van Gelder: I was going to say, it appears to be 60/40 in favor of abolishing, but certainly as I think (Marilyn) suggested, you know, it was just to get a feeling for what was the - but we can put both options on.

Elisa Cooper: Yes, absolutely. Okay, moving on. Are there any - I think I heard there were some other issues around elections that people wanted to discuss.

Ron Andruff: This is (Ron) for the record. Yes, what I wanted to discuss was the fact that the BCs now -- (Marilyn) correct me -- 14 years old, 15 years old, something like that. We just came into being 13, 14...

Marilyn Cade: We've operated informally for a while and then we wrote the charter so it's roughly about 14.

Ron Andruff: Yes, and so back then when this was written there way of voting so the corporation spent multiple regions paid, it got three votes and it paid X, and then (unintelligible). One continent they got two votes and paid Y, and if they were a small business, they get one vote and they pay on the number. There was some logic behind that I'm sure at one point.

But as a small business owner and as a fellow who's pretty active in the BC and in the ICANN community, I feel personally that it's kind of unfair that I get one vote on a decision because I don't happen to be a multinational. And so I'm not quite sure, you know, what the logic is there.

So I would put forward a recommendation that every entity as a member of the BC would have one vote for all members, one company, one vote. And that way the small businesses aren't encumbered by the large businesses. Because I think that there's an unfair structure there. As a historic structure and now that we're moving into a much larger organization, larger body,

I think it would be much more fair, particularly to the small business owners, that we can have equal votes because there's no reason, we do equal work and we're equal participants. But to be penalized because we don't span multiple regions or continents, I think that's very unfair.

Marilyn Cade: So, I just want to be clear that historically, initially we never voted. I mean we really - on policy we pushed to consensus and we very rarely voted. The introduction of voting on policy procedures probably came only about eight years or so ago, and we established the consultation -- the formal consultation process, the number of days, etcetera, so that's policy.

And the way the charter's written we have two places -- I think this right -- we have two places, two things we vote on, we vote on elections for officers, and we vote on policy. And I believe if I'm remembering this correctly that the historical concern on the part of the big companies was primarily focused on the policy (unintelligible). But remember that our organizational structure -- the new organizational structure -- was established in 2009, and that is when we documented everything in that extensive process.

Man: To verify, the weighted voting is only for elections; we don't use voting for policy. The charter does not require that. When we get to the issue of how do we decide on policy, I do have some questions for everyone about ways to steer that. Let's stick to elections now, that's the only place weighted voting is possible.

Ron Andruff: And that's my point. I feel why should anyone be penalized, and why should anyone be given a higher weighing just because they happen to represent a large corporation. There's a disconnect there, and I think that should be corrected.

Elisa Cooper: Right, well we don't do that though. We don't do weighted voting when it comes to policy.

Ron Andruff: I'm not talking policy; I'm talking elections...

Elisa Cooper: Okay.

Ron Andruff: ...specifically, yes.

Man: You know, my initial reaction was A, I didn't even know there was a difference in voting, and was to say that sounds right. But there is a difference in payments, right, and dues. And we are members of other organizations where there's somehow some representation for the weighing gets a little bit allocated by how much you fund. So my inclination is I don't know that I care that there's any difference in voting, but there is a distinction at least in the contributions.

Ron Andruff: But what I'm getting at is that we're all equal members of the BC. We all put our oar in the water like everyone else. We all can participate. So the point I'm getting at is I don't feel it's fair that because someone comes and is a represented of a large corporation, that they can gather - with two people or three people, they can gather a large number of votes, as opposed to fair and equal, meaning that everyone gets one vote.

(Gabriella Szlak): May I say something (unintelligible). This is (Gabby).

Elisa Cooper: Go ahead (Gabby).

(Gabriella Szlak): (Unintelligible), thank you.

Elisa Cooper: Did you mean (Ron)? (Ron) was just speaking.

(Gabriella Szlak): Well, thought he was (unintelligible) I was talking about the possibility of having one vote for each member.

Elisa Cooper: That was (Ron). Yes, I think that (Zahid) is going to speak now.

Zahid Jamil: Thank you (Gabby). Actually I was going to take the slightly different view. Look -- sorry -- I think it's right that bigger businesses do have a bigger vote, one, there's obviously the amount that they pay for it, number one. Number two, there are associations which are members, and associations aren't one business, they are a group of businesses, and therefore associations get more of a voting power (unintelligible) for instance and ICC and others. And I think, you know, all these associations would have multiple votes and that's perfectly fair. Why should they get one vote when one business can outvote ten? That makes no sense. One.

I think this is also protection against (unintelligible) and capture. Because a small business, which is just one person in comparison to the policy concerns and the issues and the weight that the BC then has in the community as such is to say, "You're a big business, we represent the interest on a larger scale. Size does matter." And I think that's very important and it is a defense against capture. So I think that - from my perspective, I am a small business. I only get one vote, but I understand why that's there and I support it.

Sorry, just one quick point. By the way, we're not the only ones doing this. The registries have a weighting voting structure. And the ITC also doesn't even allow some members to vote. So we're not unique, at least we allow people to vote.

(Steven):   And it's (Steven). I would support that if we abolish the weighted voting, then we should all pay the same dues. Like (Jeff), I believe that the - we should have a proportional voting rate that matches the proportional dues that are paid.

Elisa Cooper: Chris than (Ron).

Chris Chaplow: Thanks. I think I'm probably coming at it from a different side. I think I would support the one member one vote. And actually looking into the different categories and making changes in there for an SME that's larger than half a million, which I think is (unintelligible) limit. (unintelligible) perhaps also observe the status, perhaps also student membership and think probably non-voting student membership. So I rather like the decoupling of it so that we can -- without the contingent on the voting -- arrange that the categories more for the market than for gaining membership recruitment.

Well I see it from a recruitment point of view and - the way we've got the categories at the moment. And for a business that's not a micro business, then they go off into the category (unintelligible), category one, category two status which then becomes quite extensive for them to join.

I'm suggesting a realignment of the (unintelligible) more in line with the market and recruitment for the benefits of BC.

(Marie Pattullo): This is (Marie). Just to clarify something you just said, Chris. I would be incredibly uncomfortable about (unintelligible) with students. I hope it's not what you're suggesting.

Chris Chaplow: No (unintelligible).

(Marie Pattullo): Okay, thank you I just wanted to be perfectly clear on that.

Elisa Cooper: (Marilyn).

Marilyn Cade: We talked in the past several times about an effort to find a way to recruit members of associations. There - not all associations have not all been interested in having that happen. But we did talk in the past about the ability for - because in many cases, we didn't move ahead with it. And I'm not making a comment on that.

But I think - I would support what I think is Chris' idea and that is, looking at the purpose of membership or observership, it could very much be that there are companies who would be interested in observer status but I do mean observer status, I don't mean attendance and participating and putting forward positions and just being an observer. An observer is an observer. But it could be that there are companies that would be interested in being an observer, but I think they would still have to meet the criteria so that we're not flooded with contacted parties wanting to come and observe. That would be one point.

The other comment that I would make is maybe we need to think through a little bit what the categories of membership are as Chris is suggesting, and treat that as a separate question from the linkage with the one member one vote discussion. That way it would be fair to consider if there were small Web hosting companies or entrepreneurs that fit the criteria, but that's not discussing the dues for that in relation to whether it's one member one vote.

Elisa Cooper: Okay, agreed. I think we should be (unintelligible) two separate categories. Let me just go on the record saying that I'm extremely, extremely uncomfortable with the idea of having a micro enterprise, or a consultant, or an attorney with voting rights equal to that of say, Facebook or Yahoo, or ICC or the Better Business Bureau. So it makes me very, very nervous, and I would not be supportive of moving from the weighted voting.

Ron Andruff: Chair, I've been in queue here waiting for some time now.

Elisa Cooper: Okay, let's hear from (Sarah) because we've heard a lot from you.

(Sarah Deutsch): I just want to weigh in that I think that the reason why many of our large businesses are in this constituency is that this is a trusted place where we do - we are concerned about business users, and our consumers, and if we open this up to one company one vote no matter how small the companies

are, as we know from our experience inside ICANN, everything that will be gained and can be gained, will be gained. So (Zahid)'s earlier concern about, you know, you could simply populate this with, you know, lots of entities that can equally call themself a business, you know, and that will be the end of the BC. And it will split apart. And that's basically what will happen.

Elisa Cooper: (Ron), then Stephane. And (Ron), no (unintelligible)

Ron Andruff: No, I didn't take it that way. This is long days for us all, so we misspeak sometimes. Believe I've speaked (sic) often, so I didn't take any offense.

I just - There's a number of thoughts here and I want to respond to a few of them. I take (Sawhe)'s point very clearly that associations are multiples and therefore in the proposal I would make is that associations could have two votes, because they are a larger group, they could have two. The reason I'm suggesting one and to speak to (Sarah)'s point, clearly our criteria will determine what a business is and what a business is not. And you're a lawyer, so definitions are very clear and that's what we want to have, as much for the credentials committee as for ourselves. And therein we have our BC.

But more important than this is that (Steve) mentioned then we should then everybody pay the same fees and I would say, "Fine, let's adjust the fees to a number that would be rational for one vote and for two votes." There's ways we can do this. I'm just saying we're trying now to revise our charter and we need to be very clear about this. I heard our chair say, "I'm very uncomfortable with this," but there was no reason why you're uncomfortable with it.

The point here is that what is the difference between a large corporation and an individual corporation when properly defined? In terms of what's happening here is that you'd say they're paying more money, they should

have a larger vote, I don't know. I think that there's a better argument than that.

But I would finish up by just saying that in response to Stephane -- or maybe someone else I'm sorry there's been so much dialogue, I beg your pardon sir -- what it was about the -- in fact I think it was (Zahid) -- it was about size counts. Then we should throw out all of our business constituency documentation.

When I arrived here, 14 years ago, 13 years ago, I arrived in Montevideo. And what was amazing is when I knocked on the door of the BC, there were four people in the room, and when I went to the registry constituency and there were three, and if there were four or five in the registrar. And I was amazed that there was such a small body responsible for such an important global resource. And that's why I dug in and I've been here now for a long time participating in the process, solely because I believe in the small (unintelligible) stakeholder environment.

And as you all know, until this year, I paid my own way to all the meetings. That's not to get kudos, it's just to say that I've been engaged for a reason. And the reason I got engaged is because my singular voice could be heard in ICANN. So it's not right to say that, "Sorry, you're a small business. Your voice isn't as big as a big business." And I'll just leave it at that and I'll stop talking.

Elisa Cooper: Okay, Stephane, (Marie), do I have this right? Was there (Sarah)? Anyone else? Okay, let's go. Stephane.

Stephane Van Gelder: Thanks. Stephane Van Gelder.

This is obviously a heated debate, and perhaps one that has been around for a while. So first I'll start by injecting a bit of humor and say that I've always been told that size does matter, and secondly, I just wanted to - I don't want

to go to one side or the other -- but just maybe it's helpful to have the perspective of a new member.

As a consultant in sort of small business, one vote member, joining the constituency I was not shocked at all or bothered by the fact that larger corporations had more votes than me. It would have been a problem for me if I had to pay more than the price that I had to pay. So I'm sensitive to that, you know, small businesses. I'm not saying that's what you suggested, I'm just trying to add, you know, real life experience to this. So just saying that I didn't know this was a sort of a source of debate, or just it seemed to me at the time that it was okay.

Elisa Cooper: Frankly, I didn't know that this was a source of debate either until this moment. But Okay, (Marie).

(Marie Pattullo):   Thank you, this is (Marie Pattullo). I'd like to respond to Stephane, saying it's not what you've got; it's what you do with it on behalf of women everywhere.

Stephane Van Gelder: No one has ever said that to me.

Marie Pattullo: This is being recorded; I'm going to stop right now. The other point is another injection of reality and this one from......his suggestion that since the (unintelligible) paid more than the company is a problem for me for the following reasons that despite the fact that I represent a very large company, and personal companies, we have (unintelligible), the (unintelligible) itself is not the profit. And if there were to be that kind of change in the membership (unintelligible), then I would have to go back and talk to...

Elisa Cooper: Thank you. (Steve)?

Steve DelBianco: What's the point of an association joining if basically all 1800 of you basically get one vote? It doesn't make any sense. There actually - not you, but any association that's sending that person across saying, "You have X number of

votes. You have a standing," otherwise why bother? We can just do this outside the system, number one.

Anyway, issues that would apply to a large business would be very different than those that apply to smaller. And I think that there are (unintelligible) of those. Some experiences and resources they bring and the issues that the bring to the table are going to be different, so I think there's that distinction.

Secondly, a large business has several services. I mean if you look at Microsoft, it's not one business. It's not one business, but many businesses put together.

And thirdly, if we are going to sort of regress down into let's go to the least common denominator there should be one business one vote, well, you know, what's the difference between then us and the (ALAC)? I think (Sarah)'s right. The BC's finished, or it'll splinter and big business is going to walk away and do their own thing.

Elisa Cooper: (Sarah).

(Sarah Deutsch): Okay just circling back and getting a reality check. We - on the policy area we do not have weighed voting but we operate very collegiately, everyone here gets a vote and a say in the policy and we somehow have worked it out pretty well thus far. We're only talking about voting in elections.

So looking at the elections, we haven't even had many contentious elections. Sometimes you're begging people like Chris to be in the role. So it's not like everyone wants weighted voting for that. Then on the nominating committee we still (unintelligible) sensitivities. There's a large business seat and a small business seat. So I don't know why, you know, let the election process work, is my view.

Elisa Cooper: And then (Susan).

(Susan Kawaguchi):   Well actually I think, I was going to ask for the history. (Unintelligible). I didn't understand

Elisa Cooper: Okay, I'm not actually sure where to go from here with this. Clearly it's an issue.

Ron Andruff: I'm bringing these ideas to the table because it's a charter revision and I think - if we don't table topics like this, then what are we doing? So I would just, I'm just throwing it out there, and perhaps as we do this development, we put it out to the larger membership to give us an idea. In fact what I was going to suggest is because this is recorded, maybe we can look to the secretariat to pull out the various ideas that have been brought to the table today so that people could see them, okay here's an idea, here's an idea, here's an idea. Then people can weigh in.

Elisa Cooper: Okay. All right those were actually - I also had a bullet here for administrative and financial. So I know there were some also revisions that Chris had identified actually quite some time ago. And I don't know if you can kind of highlight those for us, Chris, or is that something...? I know you marked up a document, if it makes more sense to send that around.

Chris Chaplow: Thanks, this is Chris speaking. I can resend the document around because it was a long time ago and it was just a series of points from a -- well, from a personal perspective -- and from a practical perspective really, because remember this charter was a vision of the future and all credit to those that wrote it. Although we're, you know picking problems in it now, (unintelligible).

But from a practical point of view, I'll just highlight one or two and those were the actual definition of the role of finance and the vice chair finance operations we've actually includes outreach and it's included (unintelligible) to the bodies. I think we need to look at that and decide is that - should that best go in finance operations or not. (Unintelligible) role. I also personally see

membership or responsibilities of membership or recruitment sort of missing as well in any of the defined goals. That was one area.

And another one was to do the finance committee, which at the moment, by the charter is one year terms and I think (unintelligible) having two-year service to the finance committee, and almost enforce that we do have some rotation in there. Because the finance committee is really - it's not a big job at all, it's an important role because it's the oversight. So that's really what they've got to do. So you can't be vice chair and two vice chair mates for a very long time. People that weren't friends become too cozy so I think it needs that rotation.

Some practical things about (unintelligible) dates and invoice dates and things like that. I'll resend this document around. Or we merge it with (John)'s document, maybe that's another way.

Elisa Cooper: Yes, excellent idea.

Chris Chaplow: Okay, (John) and I can work to merge this and send it back out to the...

Marilyn Cade: (Unintelligible) that we have a few different bits of language that are going to be put together if we can have (John) plus Chris' plus the bits of language and just get the members to look at one single document. That might be helpful.

Elisa Cooper: Yes. So yes, (we) will get together a single document that contains different options and different language so people have a single document to work from though.

Marilyn Cade: I just wanted to mention that we also had talked at one point about changing the - I think the both the finance committee sub committee or the finance committee Chris? I'm sorry I'm not going to get the title right - but also the credentials committee.

What we've learned is that the credentials committee probably functions best with two-year terms and with staggered rotations, so that we always have - and the language right now says that we should -- I think it says strive for diversity or something. What we've always done is then to have two large members on a credentials committee and one small.

And we know we need to do a rotation. We added (Ron), but (David Fares) has been very willing to come off, but I think we have changed that to a two-year term and then maybe set a term limit of, you know, two - no more than two consecutive terms or do the exception thing or something, but look at that in conjunction with what Chris is suggesting.

Elisa Cooper: Okay. Chris? Anything else? Sorry.

Marilyn Cade: Just one practical question, what are we thinking about in terms of timeframe for the...

Elisa Cooper: I don't have a good answer for that right now. It's certainly something that's going to take some time and I really want everyone to have a chance to take a look at this so it's not something that we're going to be able to rush through.

((Crosstalk))

Steve DelBianco: In section seven in our charter is policy development and have been familiar with it now for four years. I'll quickly review it and ask for general feedback on two potential changes.

Currently we post something for 14 days. That's the requirement. Inevitably folks don't come in until late in the period. And I don't know if that's because it took 14 days to get internal approval or if it's the natural human tendency to focus on something, you know, roughly the day before it's due. That's the triage method that I use. I can tell you that.

So what it calls for now is that if 10% of our membership -- and that's roughly four or five people. If four or five people object, well then we're supposed to have a discussion mechanism. I do that by calling a phone call. If you recall we did this on (unintelligible) safeguard, two calls. And then if after those calls, 15% -- which is roughly seven people object -- then we go to a ballot -- a formal ballot. And those of you in the BC know that we do a ballot probably two or three times a year. A ballot on policy, I'm not talking about an officer election.

In the balloting, it's a 51% simple majority, one vote per member. But the charter requires a 50% quorum, that's 25 people voting. Well, those of you who have been hammered by my constant reminders to please vote will realize that, while you were very happy with the way things were going, if you don't vote and we don't have quorum, we don't have a ballot.

So when I look at four years of running this process, I believe that I'd be leaning towards a 7-day, not a 14-day period, because after 7 days if I have to go into two consultations and then a ballot, it'll take 20 days to get done and we run out of the window. We've missed the deadline on comment periods because of the need to have more than 14 days. So I'd prefer 7 days for the reviews. Do what you think of that. And I do think the quorum is too high at 50% voting. I would recommend a 25%. So I would be happy to hear your feedback on that or we could just simply do it on this. Thank you.

Elisa Cooper: I have to say I'm supportive of that.

Marilyn Cade: I'm both not supportive of it and I'm going to speak about why. But I really often am feeling uncomfortable about our jumping into without more discussion.

Guys, we have never failed to make the quorum whenever we need it. It does take outreach but we have 40 - I think either 49 or 50 members. And we just

talked about the fact that we want - this is a consensus organization. And if we're going to go to an environment where we're willing - we all have the ability to post individual comments. We're trying to come to commonality here. We ought to be able to have commonality, and so I think we've got to make sure we're getting broad enough participation from our members to say it's a BC position.

I'm wondering actually, (Steve), if we might want to go to a two-step turn around. But I think we also have to hear from some of the associations and big companies if they could respond to a 7-day turn around. And I'm not sure. So I think those are the two points. I just wanted to say something before we leave about the fact that everything we do once we finalize a position about what the public comment process is that's required, so all the members know that.

Elisa Cooper: Okay. What I'd like to do is just kind of recap where we are and sort of who is going to take a lead on each one of these areas. So in terms of the change to the mission and charter, (Marilyn), (Ayesha) were going to work on that, adding the bullet about a stable and predictable ICANN. (Aparna) was going to help with defining some language around term limits. I was going to add the language around elections for the non-(Com) delegates. Chris, if you could help with the categories of members, taking that on.

We don't actually have anyone identified to take on the issue of whether or not we want to suspend the 12-month requirement for participation with the executive committee. Is there somebody who would be willing to take a stab at changing that language, what that language would look like?

Man: Right.

Elisa Cooper: Great. (Steve) will take on the policy issues that we've discussed, Chris, you have the finance issues and other operation issues. And I think that covers it. Okay.

Now I have to give sincere apologies to (Susan). We did not get to the (expert) working group. So I am very, very sorry. So I'm very, very glad that we did have that opportunity to hear from you in depth on Wednesday. And so I would encourage people to take a look back at the transcript or the recording of the time we spent with (Susan) on the phone during a very in depth Q and A on the (expert) working group. And I'm sure that (Susan) is welcome and happy to answer any questions that you have offline.

Man: August 12 deadline, we need to get you some written feedback. (Unintelligible) can help with that.

Elisa Cooper: Is there anyone who would be willing to kind of take the lead on that and work with (Susan) on that?

Steve DelBianco: (Unintelligible) who it is as well. (Susan)...

Woman: (Susan), could you give us the hot tips on what, you know..

Steve DelBianco: She agreed to do that. Yes, we talked about that.

Woman: So if you did that maybe...

Steve DelBianco: And those to all on BC 5, and then we'll have an opportunity to recruit clients.

Woman: Clients, yes. So I've got a whole laundry list now.

Susan Kawaguchi: What exactly are you after with...?

Steve DelBianco: I was listing a volunteer to help draft the BC's written comment on a new expert working groups report, or the directory services. It's due by August the 12th. We need to have BC to be able to look at it for 7 to 14 days.

Susan Kawaguchi: And I had to drop off that call the other day. Do we have comments from that call? Do we have a consensus on that? Forgive my ignorance.

Steve DelBianco: A lot of great questions and comment.

Susan Kawaguchi: If you want to work on the draft... I don't want to draft it myself.

(Laura):   Yes, I'll help.

Elisa Cooper: Thank you, (Laura).

Steve DelBianco: Thanks (Laura). And I coordinate it for you (Laura) with a template and everything else, okay?

Elisa Cooper: And I'll be happy to contribute too.

                  All right, well thank you everyone for participating. I think that he has one short...

Zahid Jamil: I guess it's AOB time, so I just wanted to quickly say my term will be up in Buenos Aires. I generally (unintelligible). We need to find somebody who is not North American/European to basically be a councilor and take a seat. So I would encourage many of the businesses here to think who that candidate might be, start thinking about it. Because we have to -- if I'm not mistaken -- see...

Man: The charter says that preferences have both councilors from different geographical regions and if we don't have a candidate, we're supposed to work harder to find a candidate from a different region. But it doesn't prohibit both being from the same region.

Elisa Cooper: Thank you for bringing that up. I am very concerned about finding a candidate to fill that position so please, I would encourage you to, as he mentioned, to

think about whether or not there may be someone within your organization or you might yourself be interested.

With that, thank you so much for participating today. I know this is a very long session and we didn't get our break, and we didn't cover one of the sections, but I think it was very fruitful. I think we've got a good way forward with the charter. And I'm actually excited to begin getting some of that work done. So thank you very, very much everyone for your time today. And let's continue to work together in this very collaborative spirit. Thank you.

Woman: Thank you.

                                    END