Business Constituency Members Call February 19, 2010

**Purpose of Call:**

Preparation for Nairobi Meeting and Updates on New Organizational Structure

**Attendees**

1. Zahid Jamil, Councillor, Domain Name Dispute Resolution Centre
2. Mike Rodenbaugh, Councillor, Rodenbaugh Law
3. Mariiyn Cade, Chair, mCADE
4. Steve DelBianco, V.C. Policy Coordination, Netchoice
5. Rick Anderson, V.C. Finance/Operations, InterBoarder Holdings
6. Sarah Deutsch, CSG Representative, Verizon Communications
7. Mike O’Connor, The O’Connor Company of St. Paul
8. Janet O’Callaghan, News Corp
9. Berry Cobb, Infinity Holdings
10. Chris Martin, USCIB
11. Ayesha Hassan, ICC
12. Chris Chaplow, Andalucia.com
13. Philip Sheppard, AIM
14. Jim Baskin - Verizon
15. Michael McKeehan, Verizon
16. Martin Sutton HSBC
17. Phil Corwin - Internet Commerce Association
18. Jarkko Ruuska,– Nokia
19. Anders Halvorsen, WITSA

Apologies from Ron Anderson, RNA Partners; Chuck Warren, Overstock.com; Jeff Brueggeman, AT&T; Liesyl Franz, TechAmerica/WITSA, and Waudo Siganga, Computer Society of Kenya/WITSA

**Meeting Summary**

This is the first call since the election of new officers and is a dual purpose call:

Preparation for the upcoming Nairobi ICANN Meeting and updates on new organizational structure and decisions related to administration of the Constituency. Typical Member calls will be 60-75 minutes in length.

Under the BC’s new Charter, the leadership and distribution of work of the BC is very different from the earlier Charter’s structure. There is now a four person set of officers, with the two elected policy councillors joining them to comprise an Executive Committee.

Mariiyn Cade, Chair and Steve DelBianco, V.Chair, Policy Coordination explained the overall roles/responsibilities of their respective new positions. The Chair announced a change in the Executive Committee that has taken place just in the last few days. Mike O’Connor, who had nominated and accepted as Vice Chair, Operations and Finance has decided to withdraw from that position. He will continue his very active involvement in policy and other matters within the BC. The chair noted that in the few days of being in the role, he had contributed significantly to the transition and thanked him on behalf of all.

The Executive Committee has asked Rick Anderson, to step into the V.Chair role. Sometime after the Nairobi meeting, there will be a formal process, according to the Charter. Rick will become Vice Chair immediately, and join the rest of the Executive Committee as an officer at the end of the call.

**Report on the Transition:**

There will be a fuller online report and update on Administrative planning and transition by the end of February, 2010. In the meantime, the chair notes that the financial situation is stable, and a process is in place to transition from the present secretariat to an interim approach. There will be an update to members shortly. All Member activities via the web site will continue through the transition process.

**Preparations for Nairobi ICANN: March 8-12, 2010.**

**ICANN has posted an agenda of events/available on the ICANN web site.**

There are several events of interest to business users. A preliminary agenda for ICANN’s full meeting schedule is posted on the ICANN website and is being updated each day.

Members on the call or earlier who confirmed their attendance were:

Mariiyn Cade

Ayesha Hassan

Steve DelBianco

Martin Sutton

Berry Cobb

Mikey O’Connor – TBD

Chris Chaplow

Ron Anderson

Jeff Brueggeman

Waudo Siganga

Possible Executive from Nigeria/WITSA

The chair noted that since there are a number of members not travelling who do usually attend in person, she is exploring how best to ensure remote participation is effective. More details on remote participation will be provided to the full members list. Also, due to the interest of members in the meeting, it was agreed that the full members list will be used for online communication during the Nairobi meeting. [*UPDATE SINCE CALL: Several constituencies are now developing a remote participation site in Virginia, US. Some BC members will avail themselves of that site, while others will participate from home offices/other locations].*

**Special Events and Sessions During Nairobi:**

Sunday night there is a special dinner sponsored by the Computer Society of Kenya. The formal invitation will be sent today to all confirmed business attendees and several special guests. The reception and dinner is being organized to bring the business community of Kenya together with leadership and business leaders on Sunday night.

**Development of BC and CSG Agenda: Underway. To be Finalized. Input welcome.**

Members are invited to send topics to Marilyn Cade at marilynscade@hotmail.com, by

CoB Tuesday, February 23. The BC is organizing on ground this time. Because of the unique situation of reliance on remote participation, as much as possible, decisions should be made on BC positions ahead of time.

The BC has been offered a special briefing from Greg Rattray, regarding security and stability issues/new published public comments. The Strat Plan/Budget may also be topics of interest for the CSG. Doug Brent, COO, and other senior staff speakers are being explored.

**Monday and Tuesday Special Remote participation Sessions:**

On Monday and Tuesday, members will gather at 6 p.m. Nairobi/10 a.m. EST; and 4j p.m. Paris time, for a quick update and exchange of views. This is a substitution for the ‘huddles’ that have been held in recent ICANN meetings which have proven to be successful ways to keep In touch and share information of mutual interests.

**Tuesday Breakfast with the Board:**

The Breakfast will be at a hotel, and transportation will then be provided to the Venue.

There will not be remote participation during the breakfast. The IPC is examining whether they have local attorneys who may attend. The ISPs are expecting about 6-8 attendees and a slightly higher number is expected from the BC. The Chair, Ayesha Hassan, and Waudo Siganga will work with both the ISPs and the local Business members to include special guests in the breakfast to maximize its effectiveness with the Board.

To Do: If you are aware of a business user colleague who is attending but who is not yet a BC member, please contact Marilyn offline to nominate guests.

**Commercial Stakeholders Group (CSG): Sarah Deutsch, CSG Rep**

Sarah explained that a primary task of the CSG is to finalize the draft interim charter and that input and participation from members will be needed when that process starts, soon after the ICANN meeting. The deadline for approval by the Board is at the December meeting, and the objective is to have a fully drafted charter by Brussels so that robust examination and discussion by all members of the CSG can occur.

The CSG proposed a submitting a joint comment on the selection approach of the Board Seat 13/one of the Board seats elected by the GNSO Policy Council. The GNSO restructuring changed the way that the two Board members are ‘elected’ and gave each house discretion to nominate candidates for (and determine procedures for nominating) one of the seats. Due to decisions taken by the Board, the contracted party house was given the first slot to determine the process and to elect that seat. The IPC CSG rep had proposed a joint contribution, however, since there wasn’t time to meet the 14 day deadline of members consideration and voting, Sarah introduced a brief comment, which was open to sign on from individual BC members. The comment stated that the BC members accepted that the Contracted Parties would select the first seat, and that the BC did not want the process of selection by the non contracted parties house to be restricted or governed by any decisions or process selected by the Contracted parties house. This statement is similar in purpose to the statement of the IPC’s statement. Individual members were invited to individually endorse the statement and it was submitted by Sarah Deutsch on 2/18, to meet the deadline. As a position statement, it will now be posted on the BC web site.

The CSG is also engaged in developing a process to review applicants/nominations for the Review Panel for Accountability and Transparency, working from the GNSO Policy Council’s process that calls for the Stakeholder Groups (SG) to identify a nominee and two alternates from the SG. The GNSO Policy Council has established an Evaluation Team made up of one Councillor and one Nominating Committee Appointee to assess the responses and report to the Council list 10 or 14 March. The endorsement process by GNSO Policy Council is expected to conclude on the 15,16, or 17 March.

The call’s discussion included the interest of the BC in having Zahid Jamil volunteer for the CSG Councillor position and he agreed, However, after the call concluded, it was verified that the Evaluation Team was determined by the GNSO Policy Council in their meeting on 18 March, and the process is now closed to select the SG designated Councillor. The full list of Policy Councillors on the Evaluation Team are:

Adrian Kindeis, Registrar

Caroline Greer, GTLD Registries

Wolf-Ulrich Knoben – CSG

Bill Drake – Non Commercial SG

Olga Cavalli, NCA

The CSG team includes the CSG Reps and Alternates, and is meeting to review nominations and put forward an endorsement of a single nominee and two alternates. The deadlines for the submissions of candidate statements has been changed several times. It appears that the Candidates statements are due March 7 and are to be sent to an email provided by the ICANN staff who then forward the candidates materials to the relevant SG.

The Process for GNSO Endorsement of Nominees to the Affirmation of Commitments Accountability and Transparency Review Team can be found at

http://gnso.icann.org/drafts/gnso-endnominees-process-proposal-10feb10-en.pdf

The Affirmation of Commitments drafting Team Action Plan for Development of GNSO Endorsement of RT Volunteers can be found at

<http://gnso.icann.org/drafts/gnso-endorsement-volunteers-action-plan-10feb10-en.pdf>

Members comments on the process and the issue overall included the importance of getting qualified and senior candidates to put themselves forward. Marilyn Cade volunteered that there are currently [NOTE: “presently” literally means in the future…] two government volunteers into the GAC – one from the European Commission and one from the Chinese government. Ayesha Hassan raised the issue of broader business participation, Ayesha also suggested that business users should be broad and strategic in their recruitment of candidates, not necessarily focusing on current BC or other existing representatives. It was noted that TechAmerica’s comments actually call for more than one business representative with a focus on external and senior type representatives, and increasing the number of seats overall. [TechAmerica is a WITSA member].

Members were interested in when the group would be ‘seated’, and it was noted that it was not possible to make such a decision by Nairobi. Some have speculated that the group would be seated ‘at Brussels’.

Other issues raised was how ‘conflicts of interest’ are being addressed, and Zahid Jamil clarified that the Board Chair and GAC Chair had noted that the chairs [or other parties from the Councils themselves] are not precluded as candidates; e.g. the ‘chair of an SO or AC]. BC Chair’s private comment: Chair’s note: There is no Chair of the GNSO; however, there is a GNSO Policy Chair.

**Update on GTLD Policy Coordination and Policy Activities – Steve DelBianco, V.Chair, Policy Coordination**

Steve’s first draft of a policy coordination document is attached.  Steve proposed a new approach that describes 4 “channels’ where BC needs to be active on policy-making at ICANN:

1. BC Participation in ICANN Public Comment processes
2. Supporting discussions and voting of BC Reps in GNSO Policy Council positions
3. Supporting discussion and voting on policy matters before the CSG
4. BC Statements and responses during public meetings [Board, CC breakfast; outreach events; ICANN public forum, etc.

Ayesha Hassan suggested that the BC prioritize each item in these channels, with respect to relative priority for BC members. Philip Sheppard referred everyone to the BizConst.org website "Responsibilities" page, which reflects a historical approach /priority ranking of 1, 2, and 3. It also lists BC members working on each issue. The Chair notes that further discussion at the ExComm level and with Members is needed before determining who will have the lead on various cross cutting/structural topics; e.g. the CSG’s role/areas of competency and topics that are outside of GNSO policy.

**Channel 1: Public Comments**.

Although there are 15 public comment periods currently open, the discussion focused just on comment periods closing within the next 3 weeks:

* 1-2 character domain names for .info  (closes 24-Feb)    Consensus was that BC would not comment on this item.
* Selection process for at-large Board seat (closes 6-Mar)   no comments expected from BC.
* GNSO Working Group Guidelines (closes 22-Mar). Zahid is on the WG. We need a Rapporteur to prepare draft BC comments no later than Mar 8.

For the rest of the comments, the BC would need to circulate draft position the week after Nairobi. Below are some of the comments made during the call:

* Registration Abuse Policies Initial Report.  (Ends 28-Mar)
'Global DNS-CERT Business Case  (ends 29-Mar)
* Proposed Strategic Initiatives for Improved DNS Security, Stability and Resiliency (ends 29-Mar )

Steve suggested that these 3 could be treated as one set of comments, where Zahid is BC’s most likely Rapporteur:

Uniform Rapid Suspension (URS) ( 1-Apr )
TM Clearinghouse  ( 1-Apr )
Post Delegation Dispute Resolution Procedure (PPDRP)   ( 1-Apr )

NOTE: this was not finalized, but is to be discussed within Policy team.

* Registry Restrictions Dispute Resolution Procedure (RRDRP)   (1-Apr)

IDN 3 Character   (1-Apr)
* IDN Variants  (1-Apr)
* Benchmarking of Registry Operations  (1-Apr)
* Process for gTLD Registry Agreement Amendment  ( 1-Apr )

* Proposed Framework for the Fiscal Year 2011 Operating Plan and Budget  ( 1-Apr)

**Channel 2: supporting discussion and voting of BC Reps on Council**

Accountability review team candidates:

Sarah had already discussed work on this during her coverage of the CSG items.

Vertical Integration PDP Charter.

Mike Rodenbaugh and Berry Cobb are on this team. Expect a draft PDP charter in Nairobi.

Steve mentioned there were several Council Working Groups active. Status is available at <http://gnso.icann.org/meetings/notes-council-18feb10-en.htm>

**Channel 3: Supporting the Commercial Stakeholders Group (CSG) activities and discussions:**

Sarah, as CSG Rep discussed this work on this during her coverage of the CSG items.

 **Channel 4: BC statements and responses during public meetings (Board breakfast, outreach, Cross Constituency, Public Forum, etc.**

**Steve proposed that based on the agenda before ICANN, the Nairobi discussions will focus on these areas:**

Expressions of Interest (EOI), TM Clearinghouse, Economic Studies, Vertical Integration PDP, High Security Zones, and Accountability Reviews. Chair proposed that Op Plan and Strat Plan deserve BC individual member attention, as well.

When the BC does not adopt consensus comments/positions on issues arising in Nairobi, no member or officer is authorized to speak on behalf of the BC, although individual members can express their individual views.

**EOI Topic:**

Steve proposed to start the 14-day review of BC position “clock “on the EOI topic. Steve circulated a compilation of comments submitted by several individual BC members, and proposed that the BC develop and approve a BC position which could be considered and approved in time for the Council meetings in Nairobi. Steve had invited Philip Sheppard to be BC Rapporteur on this topic and Philip acknowledged his acceptance and willingness to develop and circulate a draft position that reflects the contributions of BC members to date into the public comment process.

The Chair noted that BC members who are not on the call may have different views, and this process should take special care to reflect input from members who didn’t submit comments.

Steve noted a recent announcement from ICANN staff of a ‘pre Nairobi’ policy briefing, and Steve reminded BC members to join this ICANN Staff Policy Briefing call on 25-Feb.

**Discussion among Members:**

**Single Letters/Numerals:**

A member asked if it was intended to have a BC position. The discussion indicated this topic has a low priority for the BC in terms of filing comments, but is on the BC ‘watch’ list because it is of interest to some BC members. To date, 6 or 7 gTLD registries have taken advantage of the process developed by the GNSO policy council for registries to release and allocate the names. The topic was earlier of significant interest to a number of members when the guidelines for how single letters would be allocated and released was an active GNSO Policy Council work item. Members were asked to be aware of the announcement regarding the .info proposal, which is similar to the earlier .biz proposal. No action is planned re BC comments.

Members did note that the issue of what would happen to windfall profits of the .com and .net single letter allocation might re-emerge as a topic of concern to the BC.

**Strat Plan/Budget**

The Chair noted that the BC should pay attention to the Strat Plan and to the Budget, since areas of funding of key concern to the BC may be short-changed in the budget process. The Chair noted that in the past, she has organized assessment of the Strat Plan and Budget that was not limited to the CSG constituencies and invited members to indicate their interest in these topics.

It was also noted by the policy councilors that the ICANN staff have noted that they lack funding to fully support some of the GNSO policy council priorities. The Chair suggested that two areas might be useful to address: Finishing some of the restructuring committee work that is very time consuming for policy staff and stakeholders who are engaged, and repurposing those resources into the policy work, and looking critically at the proposed budget and reinforcing the importance of the work of the Policy Councils. These topics are cross cutting and are not policy per se. Interested members should post to Rick Anderson, V.Chair, Operations and Finance and to Marilyn Cade, marilynscade

**Improvements/Restructuring of GNSO:**

This topic was not discussed during the BC call and will be the topic of an update electronically. An update/status report is on the Staff Pre Nairobi Policy Update agenda.

**Face to Face BC meetings: To be Explored**

The agenda included a reference to potential face to face meetings in Europe and in US around a possible policy forum co organized with other constituencies and ICANN staff.

The Chair will pursue discussions with staff and other constituencies to determine interest. This could represent business membership opportunities, especially in Europe. Interested members can contact the chair off list.

**Members Communications and Schedule of Meetings:**

The Chair suggests that a possible members survey could be developed to advise on members communications and activities. This will be explored within the ExeComm.

The Chair will also be proposing a monthly members call, with high level updates, and seeking input from other ExeComm members regarding effective approaches to keeping members up to date. Members will be invited to comment on options for communications mechanisms.

Meeting summary developed by Marilyn Cade, Chair with input from other ExeComm Members

Posted February 23, 2010

TO DO: if you are travelling to Nairobi and haven’t yet provided your cell and hotel and other logistics to the Secretariat for a private list for those also travelling, and are willing to do so, please email him directly at secretariat@bizconst.org