

ICANN

**Moderator: Gisella Gruber-White
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Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Benedetta Rossi: Thank you very much, (Kelly). Good morning, good afternoon, good evening. This is the BC members call taking place on the 20th of June 2013. On the call today we have Jimson Olufuye, Elisa Cooper, Angie Graves, Anjali Hansen, Ron Andruff, Andy Abrahams, Liz Sweezey, Marilyn Cade and Steve DelBianco and Jim Baskin has just joined.

And we have apologies from Ayesha Hassan, Stéphane Van Gelder and Gabriella Szlak. Thank you very much and over to you, Elisa.

Elisa Cooper: Thanks, Benedetta. Well, we have a rather full agenda today and quite a few issues to cover. And I have a few issues that I'd like to review with us and then I'll go through the rest of the agenda and then turn it over to Steve who'll take us through an update on policy.

But to get started the few issues that I'd like to cover are, one, I'd like to talk a little bit about the NomComm vote. As you know we need to provide two

delegates to sit on ICANN's Nominating Committee and that Nominating Committee appoints a number of different positions across ICANN. And we get to have two delegates sit on that committee.

And that is unusual; all of the other constituencies only get to have one, we get to have two. And the idea was that one would be representative of big business and one would be representative of small business.

Now last time we went through the process of identifying delegates we did it where the ExComm just decided and made that decision. But I feel very strongly that we need to put this out to a full member vote which we are going to do.

The only question now is really about whether or not when we vote for the delegates we identify whether the delegate is to sit in the small business capacity or the large business capacity.

And we've had a little bit of discussion at the Executive Committee level but I would be very interested to hear from members whether you think we should just be essentially identifying two people from the Business Constituency and then basically just selecting them to sit sort of either on one or the other or - or whether we need to specify that the delegate should be for big business seat or the small business seat.

So I'd like to put that out there. And I see Ron has his hand up.

Ron Andruff: Thank you, Chair. Yeah, I think as a representative this year for the BC along with Waudo Seganga we represent the large and small business. But I don't think it's the right nomenclature. And the reason for that is that when an

individual joins the NomComm effectively we all swear an oath to the NomComm and we foreswear our relationship to our constituencies.

So there really isn't any discussion about whether it's big or small or square or round it's really about whether or not we are bringing our voices to the work of selecting the various representatives in the GNSO, ccNSO, ALAC and the Board.

So I just wanted to bring that to the table that while that large and small nomenclature is there it's there because of Philip Sheppard and Marilyn Cade way back when worked hard to give the BC more voice on that body and proposed a large and small representative.

So I think the really important fact here is that no one represents anything once we get to the NomComm. Once you're on the NomComm it's really about banding together with that group of people and trying to find the best candidate to fulfill the roles. And I thought that might be important for the members to know. Thank you.

Elisa Cooper: Thanks, Ron. Do others need clarification on this topic? Because I'm not sure if I was totally clear or if there are any questions about this issue. Do others have any other thoughts about - or feel strongly that we need to specifically identify a candidate for an election to be either sitting in the small business or large business capacity? Or do we feel like we just want to nominate any member that's capable and then essentially select the two that have the most votes?

Marilyn Cade: Elisa, it's Marilyn. I need to make a point of order.

Elisa Cooper: Okay.

Marilyn Cade: So I think - here's the point of order. And I'm making this as a individual member who has no knowledge - I have no knowledge or insight that it is something that we've dealt with in the past so I think it's important to state it.

If any BC member, whether they are a directly applying or they're affiliated with an association or with a company is applying for any position appointed by the Nominating Committee they need to recuse themselves. They don't have to acknowledge it since it's confidential. This is just past behavior.

So since - when you nominate yourself to the Nominating Committee it is confidential, it's up to you whether you decide to disclose it. But if you are nominating yourself or any company representative or any association representative is a nominee from the Nominating Committee then you need to recuse yourself from this discussion.

It's difficult now since, you know, that just basically means you'd have to remain silent. But I think that's important to do, otherwise when we, you know, try to show the integrity of the BC process. And I have no idea if anyone's, besides our own candidates, standing. That's not what I'm talking about. I'm talking about anyone who has put their name forward as a nominee.

Elisa Cooper: Okay, thank you, Marilyn. I see Steve has his hand raised.

Steve DelBianco: Thanks, Elisa. It's a question. Before us is to decide whether we want the candidates to designate large versus small. And to answer that question I have to ask whether we are expected to represent those perspectives. Now Ron clarified that once they get on to the Nominating Committee they're not there to carry water for the particular large or small business or constituency, and I understand that.

But is there an expectation from those across the NomComm and ICANN community that the two delegates coming from the BC are supposed to have separate perspectives; one having the perspective of small and the perspective of large. I understand that somebody's perspective and experience is not the same thing as saying that they are pledged to try to get someone of their kind on to the nomination schedule, that's not it at all.

But if we're expected to represent those perspectives then I do think it makes sense to have candidates self declare which of those perspectives they associate with. Thank you.

Marilyn Cade: And it's Marilyn. I would like to...

Elisa Cooper: I actually see Ron has his hand up. I think he may have had his hand up.

Marilyn Cade: That's fine. But, Elisa, as one of the people who actually engineered this I'd like to respond to what we engineered when you allow me.

Elisa Cooper: Okay great. Ron.

Ron Andruff: Thanks, Chair. Just responding to Steve the answer is no, that when we arrive at the table of the NomComm all representation of whatever constituency or stakeholder group we come from is gone so there is absolutely zero recognition by the other members of the Nominating Committee as to who is small or who is large with regard to the BC. Thank you.

Elisa Cooper: Thanks, Ron. Marilyn and then I see Chris has his hand up.

Marilyn Cade: So when we negotiated this - and I was one of the first appointees when we had only one chair - when we had only one seat on the Nominating Committee - and I did most of the negotiations to achieve a second chair.

It didn't have to do with - it was at a time when the ALAC was getting five seats and we were putting forward information that there was great diversity among businesses as users. So it wasn't that we got two seats that would be pledged to a particular position, it was that we agreed we would broadly represent the diverse and broad interest of business. And that was the justification for the second seat.

So I think that sounds - and of course as Ron has said and we have been involved in the past been improving the Nominating Committee processes once you become a Nominating Committee member, similar to once you become a Board member, you have no affinity to the parties that appointed you. Your affinity is to what the mission that the ICANN bylaws require.

Elisa Cooper: Okay. I saw that Chris had his hand up but now I see that it's down so maybe, Chris, you don't have anything further to add. It seems like I don't really have a good sense about how members feel about this so if we could take a straw poll using the functionality on the Adobe Connect where if you see the little man with his hand raised up if you can click the green Agree.

If you agree with designating that the candidate or delegate is for a particular position, either the small business or large business, if you agree with that approach click Agree; if you disagree with that approach click the Disagree and we'll take that as a straw poll.

Marilyn Cade: I have a point of order, Elisa. I'm not able to use Adobe. Can we just send this off to the Secretariat?

Elisa Cooper: We can but we have - we're very short on time here. I guess I need to clarify that we've been asked to provide the delegates by the end of July. Benedetta is seeing if we can get an extension on that. But the reason they need it by the end of July is there are visas that have to be obtained in order that the delegates can attend the first meeting in Argentina. So there is definitely a tight timeline.

So I would prefer if you - Marilyn, clearly, I think you disagree with having a designation so I'll take that into account. And if there's anybody else that's on the line that if you want to tell me what your perspective is that's fine but if we could just do a quick straw poll that would be extremely helpful to me.

Sarah Deutsch: Hey, Elisa? This is Sarah Deutsch. I'm not in the Adobe room yet; I haven't been admitted. But I'd like to get in the queue.

Elisa Cooper: Okay. Sarah.

Sarah Deutsch: So I've put my name forward again for the large business seat. And having been in there once before, you know, it's true once everyone's in the room you're just generally supposed to represent the constituency. But that said I think we do have two seats; one designated large business, one small.

And it's hard for us to have any credibility to keep those two seats if the people in the room don't have any experience. And having the expertise from a large and a small business in the room is actually helpful because some of the candidates come from small business, some from large. And that kind of expertise is helpful.

You know, groups like the IPC, they only have one seat. So, I mean, if we're just going to have two and call them these things but they don't mean anything that's not very valuable, in my view. And so I think this matter should be fully discussed by all members in the BC so people can figure out what makes sense.

Elisa Cooper: Thanks, Sara. So from the straw poll that we just took I see that Andy, myself, Liz and Steve are - and Sarah - are in favor of designating for either - whether it's a small or large business delegate. And Marilyn, Ron and Chris are not in favor of it.

So I think we'll take that, you know, to me - I guess we can put this out to the list but I think we need to make a decision actually because we need to potentially open up the nomination period. And Benedetta will send a complete email explaining how that will all work in terms of the timelines and so forth.

But it'll be an election run similar to the way we've run elections for the officers in the past. So thank you, everyone, for participating in that discussion and helping to provide some guidance there.

Just a couple of other items I'd like to cover today. Another item is that I want to let you know that on July 1 there will be a call held by the ATRT for us to provide some feedback and for them to provide us with some information. So Benedetta will be sending out information about that call. It will be on July 1 and it is scheduled for an hour.

The third item that I'd like to cover quickly is that we had discussed having an event, the BC, having an event at Durban with the Non Commercial

Stakeholders Group as a sort of relaxed informal mixer, a way to get to know them better.

There's been a lot of confusion in trying to get that organized. At any rate I think where we're at right now is we will still have an informal mixer. It will likely be held at the hotel venue bar. And it will still be by the full CSG. We're just confirming - I know that Laura Covington and J. Scott had graciously agreed to sponsor for just the BC and the NCSG so we're just confirming that they can still sponsor that part...

Laura Covington: Yeah, we can. I'm sorry. I'm not in the Adobe room. I'm having trouble with that. But I'm on the call and we're still in so...

Elisa Cooper: Oh okay great. So I need to think a little bit creatively about how we, if we're having it at a bar, whether we give people a token or something to indicate that it goes onto your tab or whatever. But any rate I'll get that figured out because it's too expensive to have it hosted at the venue in a separate room.

And then if we wanted to include the full - anyway we'll still - I think it'll still be a good opportunity for us to meet with them informally and we'll get that invitation out to - a more formal invitation the NCSG - out to Robin.

We had already - Benedetta had already reached out to Robin to make sure the Tuesday night would work so that is still on track. And then the last (unintelligible) out to the members is when we did our survey originally there had been a request from many members to bring in outside speakers. We'd like to hear from others, you know, ICANN staff.

And I wanted to find out from this group what, you know, who are these other individuals you'd like to hear from, what kinds of updates would you like to

have so that we can sort of begin that process of inviting others to participate and provide updates (unintelligible).

I think frankly when we are at the ICANN meeting itself things are very rushed and it's very difficult to get good updates. And so I wanted to put that out there to the group to (unintelligible), you know, if there's an interest in perhaps inviting, you know, Fadi to come speak with us or Cyrus to come speak with us or Christine (unintelligible) the new gTLD program.

So we wanted to see if anybody - if there are any members that have interest in having those kinds of members - I'm sorry (unintelligible) come to speak with us and kind of do an informal Q&A session. So I kind of want to put that out there and see if anybody has any requests or individual (unintelligible).

Ron.

Ron Andruff: Thank you, Chair. These are very, very helpful conversations when we can get the key members of the ICANN leadership in the room with us and have a one to one so I applaud the fact that you're making this inquiry.

Certainly, I mean, obviously if we can get Fadi or Cyrus, those would be very helpful. Certainly Cyrus because he's one of the new faces within the community that not too many of us know much about the man. And now with his new role that he's got in this new business unit it would be good to get some explanation about what that new business unit is.

But I would also put out there may be we can perhaps, I don't know, the SSAC, Patrick Fältström or some of those guys because there's been some discussion now about the dotless domains and I think that's got a lot of people

confused about what exactly that is how it works and what are the technical issues.

So I'm open to whoever is invited but I absolutely support and recommend that we do go forward and get these speakers in and have this informal conversation. Thank you.

Elisa Cooper: Yeah. Those are great suggestions. And I think people would be very interested in hearing about dotless domains. I know I would. So if you have ideas sort of after the call send an email to the list. I don't think, you know, I think we have an opportunity to start to start a program around this where we, you know, each month or every six weeks are inviting sort of an outside speaker to also provide a bit of an update on what's going on.

Oh, Steve and then Susan.

Steve DelBianco: Yeah, to this point, Elisa, I would say two things. I echo Ron's suggestion that we have someone from SSAC specifically on the SSR and the internal certs that were really troubling to PayPal.

And the other issue is I'd love to hear from Compliance about how they've ramped up to cover the new compliance functions of the new gTLDs. But I don't want Maguy to come in and give yet another set of PowerPoint slides on what she plans to do someday in the future. This would really just be Q&A on are they really ready. Thanks.

Elisa Cooper: Yeah. Yeah, I agree. I almost don't want to see PowerPoints; I really think a Q&A session like we had in Beijing with Margie would be something that could be very helpful. Susan.

Steve DelBianco: With Margie and Samantha on the topic of the RAA. If that's the one you're referencing, you're right...

Elisa Cooper: Yes.

Steve DelBianco: ...that was the best staff interaction we've ever had.

Elisa Cooper: Yes. Thanks, Steve. Susan.

Susan Kawaguchi: I think this may already be in the works but EWG - the Expert Working Group is - will be available to the constituencies this time. We weren't the last time. And I'd really urge the BC to request some time with us because there's some interesting things going on but we really need your input.

Elisa Cooper: Okay.

Steve DelBianco: Yeah, good idea.

Marilyn Cade: Elisa, it's Marilyn. Could I - I know I'm on later but would it help to just overview what the (unintelligible) and topics are for the CSG because that might help.

Elisa Cooper: Yeah, let's move - let's move you ahead since that kind of - there's been already a lot of interest in SSAC so, yes, can you go ahead, Marilyn, and do your section there?

Marilyn Cade: Sure. Thanks, everyone. I just want to give a quick update. Elisa and I had - were on a CSG coordinating call yesterday. We were going to get to this later but given the interest I think with Elisa's agreement that this works now.

So the CSG will meet in Durban. We have a unique situation that we have negotiated with the help of others - the other two constituencies. So on Sunday morning from 8:00 to 9:00 we will have our usual now discussion with the two Board members that are elected by the GNSO Council. That is Bruce Tonkin and Bill Graham.

That will be transcribed. It's limited to members only but it will be transcribed. Then we take a gap, of course, because GNSO Policy Council meets with participation from the rest of us. But that's the rest of - so we're talking - they meet on Saturday. On Sunday morning 8:00 to 9:00 we have this meeting with the two Board members. It's only an hour.

Then we have a two-hour, maybe two-hour and 15 minute session, depending on how we bleed over in the room on Sunday afternoon. This is new. It is a stakeholder group segment that has been agreed with Council so nothing else competes with it. And the CSG will meet in a closed meeting but closed means still transcribed and open to all of our members.

And I'll go through the agenda topics in just a minute. I'm just going to do a quick overview. On Tuesday morning we have the cross constituency breakfast with the GAC. That is from 8:00 to 9:00 - maybe 8:00 to 9:00 am. And then from 9:30 to 11:00 the CSG meets again. And then in the afternoon the constituencies meet separately. I'm not going to cover the agenda for any of the constituency meetings, just the CSG.

But among the guests invited for Sunday for the CSG meeting we have, on - sorry, let me back up. On Tuesday, Susan, we have confirmation from the expert group that they would come to the Tuesday CSG meeting. And right now that's the only external guest meeting on Tuesday morning.

And I guess we were assuming that you, as a member, as an expert member, that you would be aware of that and included. But that is definitely on the agenda to meet with the CSG on Tuesday morning.

Susan Kawaguchi: Yeah, we had a call this morning. And unfortunately we ran out of time to go over the schedule in Durban. We're desperately trying to get our draft report done for Monday to be posted. So I'm sure I'll get those details but right now there's so many things going on that we didn't discuss it.

Marilyn Cade: Sure. But as far as we know from the CSG - and this seems to be confirmed, Denise and your chair, Jean - sorry?

Susan Kawaguchi: Jean-Francois, yeah.

Marilyn Cade: Jean-Francois and also members, according to the CSG calendar, it's confirmed that you guys would meet with the CSG on Tuesday morning.

Susan Kawaguchi: Great. Thank you.

Marilyn Cade: Yes. And then backing up to our Sunday session it's largely preparation for us to provide information to - so we don't go into our meeting with the Board without having discussed key topics that are important to the full three constituencies.

But on the agenda is an invitation to the SSAC to come and speak to us. And we're giving them two options due to their calendar. One is to come on Tuesday morning. And if that's not available to bring them in to Sunday afternoon to include a discussion on the two SSAC reports which includes 053 and 057, dotless domain certificates, risks and threats, etcetera.

But to resume meetings with the SSAC, which we have previously always held whether it's us or the CSG, that invitation was issued by the coordinator for this meeting and that is Tony Holmes, the Chair of the - and the CSG representative official to the ISPs who's coordinating for this meeting.

Elisa Cooper: Thanks, Marilyn. Anything else to add?

Marilyn Cade: I think the only other question, Elisa, would be as you go through the agenda just to come back on if there's anything for the CSG. I would like to just comment on the topic for the GAC breakfast when you're ready for me to do that.

Elisa Cooper: Yeah, okay go ahead.

Marilyn Cade: Okay. So on the GAC breakfast the GAC is welcoming, having the cross constituency breakfast again. And we have given them three topics. They accepted all three topics with the idea that based on who's at the table that will drive the discussion.

One is the issue of the role of the GAC in acting in advising ICANN on what is the public interest. The other is the new gTLD advice and how that is progressing. And the final topic is the Affirmation of Purpose discussion which Fadi has introduced which is probably actually mostly going to be deferred into BA but will be introduced as a topic in Durban.

Affirmation of Purpose being - is our mission fit for purpose going forward? The GAC members, including the chair and the vice chairs, are most interested in the first two topics but agreed to leave all three topics. We're only going to have an hour to an hour and 15 minutes. They've asked for French-speakers at each table.

And we've sent out a request to all three constituencies to respond to Bennie if you are a French speaker because many of the Africans - and there will be heavy turnout from the African governments - are French speaking but not necessarily really comfortable English speakers. Thank you, Bennie. And thank you, Elisa.

Elisa Cooper: All right great. Thanks. Let's move to Steve.

Steve DelBianco: Thanks, Elisa. This will be a brief policy session. We don't need to have some standup debates. It's mostly an update. I sent each of you an email this morning with hyperlinks and an attachment. And I think Bennie's going to try to put it up in the Adobe as well. Thank you, Bennie. I see that you're working on it now there.

So the first thing is that since our last call, which was June 6, the BC submitted two additional public comments. We put one in on proposed final new gTLD registry agreement. Elisa, thanks for leading on that. We also did BC comments on Accountability and Transparency Review Team Number 2. Those were both submitted.

Chris Chaplow, you're on the line. I know you are - already put in one set of initial comments on the fiscal year 2014 budget. Chris, are you planning to do another set of reply comments on that? And if so would you like to discuss now?

Chris Chaplow: Yes, Steve. Thanks. There is another set of - there is a set of reply comments. Angie Graves did the heavy lifting on this one and she sent a spreadsheet around to the list about a week ago which, again, it was more answering questions than bringing up anything new.

And the comments supporting our points or supporting ISP points, I think they were in line with what is BC positions. I don't think anybody - I didn't see any other comments for or against this. So I, you know, I imagine that we'll submit this. Tomorrow's the deadline actually for this one. So we'll submit the reply comments on that.

Steve DelBianco: Thank you, Chris. Let me move on then to the item that the ICANN Board sent a letter to the GAC on June 6 indicating a series of nine pieces of GAC advice that the Board regards as being consistent with the Board's position. So they call these Category 1As.

And these nine items, folks, they have nothing to do with the safeguards in the GAC advice; they are the non-safeguard items. I put one to you which is the BC has expressed concerns over ICANN's decision to allow singulars and plurals of exact same strings without placing them in contention sets. That was one of the pieces of GAC advice or non-safeguard advice.

The Board letter to the GAC from last week says, "We accept the advice and will consider whether to allow singular and plural versions of the same string."

I think the BC should press for some transparency about whether that's a formal reconsideration and how it will be done. And we should take opportunities to do that. There's not a formal comment period available for that but I think it's something that's worth asking about.

Does anyone else on the call have comments on the Board's letter to the GAC on the GAC advice items?

Marilyn Cade: Steve, it's Marilyn. I have a question.

Steve DelBianco: Go ahead, Marilyn.

Marilyn Cade: I want to support the idea that we go back and say, you know, this is consistent with previous BC advice. We welcome this. We'd like to understand how you plan to move forward so we can contribute. That's A.

B is I actually thought that the GAC advice did include - sorry, the Board did accept some GAC advice like on DotAfrica and one other.

Steve DelBianco: Yeah, but so, Marilyn, to clarify, none of those are safeguard items; they're the non-safeguard items from the GAC Beijing advice...

Marilyn Cade: Right.

Steve DelBianco: ...as I just explained.

Marilyn Cade: Right. So should - if we are - if the non-safeguard advice, sorry, is consistent with BC previous advice shouldn't we say we welcome those areas which are consistent with previous BC advice?

Steve DelBianco: Well we could consider that. But the items are highly specific, religious terms, DotAfrica, Xinjiang, Patagonia so there are nine items in here. And I will scan them. But a few of them are things we have asked before. We said that the RAA should be finalized before any new contracts are approved and that was accepted.

So, you're right, there was a few of them in there that we could pick up on. And I'll take a look at that.

Marilyn Cade: I just think, for us - it's Marilyn again, for the record. For us in working with governments, and I've just left four weeks of living with governments, the more we can show where we've contributed to GAC advice and they've accepted it, I think this is helping to support the multistakeholder model. And also countering the allegations by some that GAC advice is new.

GAC advice started in 2007 with the principles. We endorsed the principles and we've endorsed the GAC communiqués moving forward. So I think this is going to be important for us, Steve, if we can figure out what's consistent with what we've asked for.

Steve DelBianco: Thanks, Marilyn. With no other questions on that I'll move to a related topic. On the 19th of June, well, yesterday, ICANN staff published a summary of the 132 public comments that came in on GAC advice. And that includes the safeguards. The BC submitted an extensive comment on that. I've got a link to both the comments themselves and the summary by staff.

Let me note for all of you that for each element of GAC advice staff, which was led by Jamie Hedlund on this project, summarized community support versus community opposition on any particular element of GAC advice.

Now my rough read of that document, and I've linked to it here in your note, is that staff is giving over twice as much text, twice as much weight, I think, to opposition comments versus supporting comments. And that may be completely accurate in terms of what the staff read in the comments.

But it does say that the new gTLD program committee of the Board if they only read the summary from staff they are going to see an overweight of opposition to making many of the safeguard changes the GAC has requested.

So I'll stop there and see if anyone else has any comments after having reviewed the document. I see Ron Andruff in the queue. Go ahead, Ron.

Ron Andruff: Thank you, Steve. I think that your read is not far from the truth. I think that there was a - it was heavier in my view, also, the push back. But it was also quite notable that the pushback came from virtually all of the new registrants so you had the NTAG in there, you had all kinds of applicants.

So basically what we were seeing was pushback from the applicant community and more support from the Non Contracted Parties side, if I can use that term very loosely. So I'm hoping that that will be also very clear to the new gTLD Board committee as well. Thank you.

Steve DelBianco: Thanks, Ron. Anyone else commenting on the staff summary?

Marilyn Cade: I do. It's Marilyn, Steve.

Steve DelBianco: Yeah, go ahead.

Marilyn Cade: I made a comment earlier about if someone is putting their name forward or they have a colleague who is putting their name forward as a Nominating Committee appointee that they need to recuse themselves. And according to the Board rule that actually means also recusing themselves for discussion. So I want to make a comment here about integrity of staff analysis.

If the staff are not providing a totally unbiased analysis and the only documents the Board new gTLD committee reads is an analysis by staff and it gives an overweight to applicants versus users, GAC and the rest of the stakeholders, that's actually very dangerous for us as BC users.

So if we see a problem in the analysis and maybe we need 24 hours to take a look at this - but if we see a problem in the fairness of the analysis I think we need to say that and say we think that a more neutral analysis needs to be undertaken. I've read many - I've read almost all of the comments. I wouldn't have agreed with the staff analysis in terms of how it weighted things.

But that was probably because I was looking at it with a user perspective. So I wasn't just counting who spoke; I was looking at the impact on users. And so that may mean that my analysis is biased. But I'm worried about a staff analysis that guides in one direction or the other.

Steve DelBianco: Marilyn, it's Steve. That's a fascinating point. If the staff summary simply weighted the words instead of trying to look for the perspective of where it came from.

Earlier in your comment you said there's some requirement that ICANN give more weight to the customer perspective, users and registrants, than contract parties, for instance. I don't know for sure if that's what you were saying but tell me again, where could we point to that in terms of commenting on the staff summary?

Marilyn Cade: Well if you go to the mission - if you go to the mission of ICANN and the core values then you certainly would see that ICANN's role is not to support suppliers; it's a broader mission.

Steve DelBianco: And that brings me to the next topic which was Fadi's remarks to us last Thursday in Washington DC where Fadi said his new view is that the customers are the users and registrants not the contract parties. He seemed to

suggest there's been a C-change in thinking at ICANN and that some of the contract parties are a little concerned about it.

But it would be great to pick that up from the bylaws. I'll have to circulate back to you, Marilyn on how we could make a comment on that. So I have two to-do items that came out of this call from your comments.

Anyone else on the staff summary? Let's go to last week's event. So a week ago today Ron, Marilyn, Phil, Anjali, Chuck, (Warren) and I attended a one-hour session at the US Chamber of Commerce in Washington DC. Fadi made extensive remarks and took a little bit of Q&A. It was mostly on the new gTLDs program and it was hosted by an element of the US Chamber that's particularly focused on intellectual property protections and brands.

However Fadi made wide-ranging remarks. And I noted six key quotes. In the note to you and it's also on the screen in the Adobe. And the most alarming quote was he believed that all GAC advice would be wrapped up by Durban. I don't know how ICANN could make that claim let alone the GAC so I'm a little troubled by that. It seems either optimistic or naïve or maybe there's something afoot that I don't understand.

He did make good comments about wanting to mitigate risks before they launch. And I think what comes to mind there is the risks with SSR. And I think that we didn't really learn too much new at that meeting. Marilyn made some comments about governments as well. But I'll take a queue on anyone that wants to comment on that meeting. Ron and then I heard Marilyn.

Ron Andruff: Thanks, Steve. Yeah, the point you bring up about Fadi making this comment, GAC advice will be wrapped up by Durban, was startling to say the least. And if you recall I posed the question and asked him to be a little bit more specific

about that recognizing that the BC and other constituencies had just put in their responses to the GAC advice.

We hadn't seen a summary from staff at that point. And that with all of these open issues we're a little concerned about the CEO making such a broad-ranging statement.

And if you recall the - immediately two staffers jumped into the conversation and started to back peddle as fast as they possibly could. And what I heard them say, because they were both sort of speaking at the same time, they made a comment to the extent that there was a low-hanging fruit or there were issues that could be resolved relatively easily and those were being resolved now. And then the other thornier issues would be addressed in Durban.

So they quickly restated that fact that Durban will be a forum of conversation particularly on that issue. So that was my take on it. I would welcome others who were there to add to that. Thanks.

Steve DelBianco: Marilyn.

Marilyn Cade: I think Linda's - Linda Kinney is on the call, I think. And I know - and I saw Linda and Anjali, I think and I think also Fairwind Partners had somebody at that meeting.

Steve DelBianco: Yeah, Liz was there as well.

Marilyn Cade: Yeah. I'm happy to comment but I just wanted to offer anyone else the opportunity before I commented.

Liz Sweezey: This is Liz. I mean, everything that you guys are saying is pretty much how I perceived it too.

Steve DelBianco: Thanks, Liz. Marilyn, go ahead.

Marilyn Cade: Okay. So this event was - I want to be really clear, this was not in any way a BC event; this event was scheduled by the US Chamber, a sub committee, and because I worked with the Chamber in the past I was offered the opportunity to reach out to a non-US Chamber group of participants. And some of the people that I invited are not BC members and they're not present with us today. Others happened to be BC members.

Fadi was presenting the idea of what I would call, as Steve said, a new business unit. And the new business unit is focused on serving applicants. In January of this year and again in Beijing I raised the question supported by others of how the help desk and other forms of support are going to be provided to trademark holders, URS holders and users who are encountering difficulties in interacting with the registrars and the new gTLD.

That is still an open question. And I think we need to park that and come back to it because this new business unit, which Cyrus and Akram are going to operate, somebody needs to take care of the needs that we have as users of major new services at ICANN, the trademark clearinghouse, the URS, etcetera. So that was Point Number 1 that I made.

The second point that I would make is I really support the point that Steve raised about the openness and transparency of how the new gTLD committee is taking action and what they're responding to and whether the reports that they're basing their decisions on are made publicly available. Right now I think that's a problem. So I just wanted to park that as a concern.

Steve DelBianco: Thanks, Marilyn. With no further comments on the Fadi meeting let me turn to the final item I had on the policy agenda for today. Next Tuesday ICANN and Center, which is the ccTLD operation - are hosting an open meeting in Brussels. And I attached the agenda to that meeting. It's a far-reaching set of topics. Most of the senior ICANN staff will be there along with Fadi Chehade.

And I sent it immediately to Marie Pattullo in Brussels to see whether she could possibly find room in her schedule to attend for the BC. If you look at the agenda there's an opportunity there for the BC to press or even just politely ask about some of the follow up items we've discussed in the last 10 minutes.

Marie, any chance that you think you can make part of that meeting in Brussels?

Marie Pattullo: I hope so. My problem is that I have meetings that I cannot get out of between - I know for definite 11:30 and 1:00 my time which is going to take a really big bite out of the middle of this day. But I'm trying my best to get there before and after but I can't...

((Crosstalk))

Steve DelBianco: Fantastic. I mean, even it's a private comment after that's helpful too, Marie. Thank you for doing your best on that. It runs from 10:00 am...

Marie Pattullo: Yeah, I know...

Steve DelBianco: ...until 3:00 pm.

Marie Pattullo: I know, that's only about 15 minutes away from here that's why I will do my utmost and I will let you all know as soon as I know if I can be there.

Steve DelBianco: Great. Thanks, Marie. Any other BC members likely to be in Brussels' next Tuesday?

Marilyn Cade: Steve, it's Marilyn. We do have - we do have a WITSA member. But could I ask for others because we would need to align them with other members who could be there.

Steve DelBianco: Right. I just asked, right. Anyone else can be there? Not hearing any, Marilyn. Do reach out to WITSA and see whether they could possibly do it. Please forward what I sent you and then see if we can get them to weigh in.

Okay that's it for the policy section, Elisa. Thanks, back to you.

Elisa Cooper: Thanks. So next on the agenda we have John Berard or Zahid Jamil but I don't think that either are on the call but let me just ask if John might be on the call?

Zahid Jamil: Hi. This is Zahid. I'm here. I was on mute.

Elisa Cooper: Oh sorry, sorry. I didn't see you. Great. Can you give us a quick update? I know that there are some things that I think we should definitely hear about in terms of what is going on at the Council.

Zahid Jamil: Thanks, Elisa. Actually just a very quick one, will be very brief. Those who might have been watching the Council list may have heard that there were issues about the reconsideration that the NCSG had basically filed before the Board, BCG, and the Board (unintelligible) the Governor's Committee with

respect to the decision - sorry - the decision regarding, you know, the trademark plus that we all lobbied for in the BC and the IPC.

And that reconsideration result that came out was being challenged basically in discussions on the Council list. And on the last Council call one of the things that basically became a huge point of contention between IPC, at least myself as the BC councilor and then the rest of the (unintelligible) was that they wanted to sort of, in a sense, send a letter out.

And they have actually sent a communication out now - to the Board basically pointing out that they were not in agreement or the GNSO had concerns or at least certain constituencies because we were able to water that down a bit - had concerns about the rationale that had been mentioned in that reconsideration rejection.

And there was this discussion that took place on the Council call last. So I think that's something we need to be aware of because I think what the Registry Constituency and the rest of them, including the NCSG, are trying to do is use that as a second strike or a second bite of the apple to basically bring out the issue that all the decisions that came out of sort of, you know, the Strawman and anything else that we'd been trying to do are in fact a circumvention of the bottom up process.

And that basically is the rationale of what they basically were (unintelligible). And the attempt is to basically ask the Board to strike out some of the rationale thereby undermining I think some of the outcomes that we were able to achieve. But I think that would be an ongoing discussion in Durban.

Now the Board has not actually (unintelligible) a decision yet from the update that Bruce gave us in his last email. But it's something we should keep an eye on. Thank you.

Elisa Cooper: Thanks, Zahid.

((Crosstalk))

Zahid Jamil: Elisa, just one other thing. And I apologize, I'm sorry. One other thing. There seems to be very little support when we discussed this. We've actually not had support from the IPC. And even from our own councilor, John, there seems to be some, you know, views where he thinks that, yes, in fact the view being expressed by the Registry and Jeff Neuman and others, tend to sort of create an issue we should be discussing.

So effectively it was the IPC, myself. And we also noticed one other thing - sorry to add this - that we were constantly being cut off by the Chair who obviously is on the Registry Constituency. And as a result of that some communication and objections were raised. Just wanted to add that as well. Thanks.

Elisa Cooper: So that last issue that you just mentioned is something that is also of concern to the IPC. And it's something that we'll be discussing in Durban at the CSG meeting.

Marilyn Cade: Elisa, it's Marilyn.

Elisa Cooper: Hi, Marilyn.

Marilyn Cade: I think we all need to read the transcript on this. This topic was discussed in the CSG call that we had yesterday that Elisa and I were on. I think we do need to - we need to review the transcript in the Council. I think the issue of reconsid - the role of reconsideration is actually not a gTLD policy issue but a broader issue about governance of ICANN.

And I think that's good, Zahid, that you've mentioned this to us because having the policy council challenge what is a formal Board mechanism for reconsideration probably needs to be, you know, taken up as you're suggesting, more broadly in the constituencies because it is a - it's a governance structure issue, right.

And then there's the question of how any particular entity that is the topic of a reconsideration feels about the decision. But I think the thing that most members aren't aware of is there are limited but there are some mechanisms to reconsider decisions taken by the Board. And this is one of the - this is one of the mechanisms.

Having filed a reconsideration I'm actually very familiar with it. But I think maybe we could propose to all review the transcript and to Zahid's point understand what the topics are about. I didn't...

Elisa Cooper: Marilyn, we don't actually have much time left and I see that Steve has had his hand up for some time. Do you think you'd be able to wrap it up?

Marilyn Cade: Sorry, I was just going to say maybe we could park that and come back to it as ExComm which is what I think we agreed to yesterday.

Elisa Cooper: Yeah, okay. Steve.

Steve DelBianco: I'll withdraw since we're running short on time. Go ahead, thanks.

Elisa Cooper: No, no, no, please do go ahead.

Steve DelBianco: Zahid is raising the reconsideration request on whether trademark plus was policy versus implementation. The BC has a solid position on this over two years old where we said that protecting the rights of others was the policy and therefore implementation should include trying to warn people before they register strings that have previously been subject to UDRPs.

This was a solid BC position. Both councilors, not just Zahid, needs to support it firmly. And frankly I'm mystified that the IPC wouldn't be 100% behind that. They embrace that idea when we negotiated our list of eight items in Toronto. And I will do my best to follow up and see why they're not being wholehearted supporters of this.

But at this point if we've survived the reconsideration request my question for you, Zahid, is what more do we need to do? Are we not in good shape right now?

Zahid Jamil: I think it is going to come up again as a discussion, Steve, in Durban. And the Board will discuss this. And there is an (unintelligible) by the communication that was sent out to the Board. There is some huge opposition from the community against basically what they had done in basically IPC and the BC's favor.

And effectively we would need to lobby to make sure that there's no confusion and that this misrepresentation that everybody is against what the Board has done is not the view they're left with to help us because they haven't taken a final decision on this yet.

Steve DelBianco: Yeah, and it doesn't help when Fadi reminds everybody at every turn that, yes, he knows that he made a mistake and he won't make it again. He said that again last week. And that mistake is...

((Crosstalk))

Steve DelBianco: ...with respect to the Strawman. So it doesn't help for what he's saying. Thank you.

Elisa Cooper: Thanks, Steve. So I actually - anything else for Zahid before we move on? Thank you for that update, that was very helpful.

Zahid Jamil: No I think this is - is the main thing that should be brought to the members. No, there can be others but we are short of time right now.

Elisa Cooper: So the last sort of item for us to cover is really sort of to prep for Durban. And I wanted to have a bit of brainstorming to just have members think about what topics we should be covering on our agenda for our BC meeting at Durban.

However, we do have a member call on July 1 which will actually end up being held after the ATRT call which is also scheduled for the 1st. So we do have a full hour scheduled for planning. I'm sure we'll be covering also our regular topics as well but that will be the focus of that call.

So I don't think it makes sense for us to sort of dive in to that brainstorming session right now since we have just a couple of minutes left. So I'll just sort of open it to members, are there any other thoughts ,comments, questions, by any of the members before we close out today's call?

Marilyn Cade: Elisa, it's Marilyn. If we're going to invite speakers, though, don't we need to get some sense of that like if we were going to invite - because those schedules are closing out.

Elisa Cooper: Yeah, well I think since we've already invited the SSAC I think, you know, that would have been the one participant we would like to hear from. But since we'll be hearing from them in another meeting I think that's fine.

I think, you know, others that we have had in the past I think it was helpful to hear from Margie and Samantha and have that Q&A. But I personally don't have any issues to take up with them at this time. The other ones would be to hear from Sally Kosterton and Chris Mondini in charge of, you know, business outreach.

But we have that morning briefing that they're hosting. And so I think that - I don't know if there are others that we would want to hear from. I said morning briefing, I think they're actually hosting a cocktail now that I think about it.

At any rate are there other - are there others that we would want to hear from that we would want to invite? I personally don't think there are any others. I think my personal thought is we need to spend a little time discussing outreach and how to improve membership so I would like us to spend time talking about that at the Durban meeting.

So and I think that's going to take a little bit of time. But are there others that we would like to invite? Ron, I see your hand's raised.

Ron Andruff: Thank you, Chair. I wanted to see if you mentioned Sally Kosterton and Chris Mondini and the - and another event. The event that happened in Beijing was, you know, full of BC members and a handful of local people. For my view it

was a very - they didn't do a very good job at that event. They could have, you know, if that's their role to try to work in that area it didn't come off very well.

And some of us left actually to go over and attend other meetings because it just - we were hearing the same thing that we already know from the same people, we already know. I'm wondering about this event that they're going to hold now in Durban.

You're mentioned that you think it might be a cocktail as opposed to a...

((Crosstalk))

Elisa Cooper: Yeah, so I actually sent out an email that included sort of everything they're promoting to business in Durban. And so that contains all of the activities that they have planned.

((Crosstalk))

Ron Andruff: You sent that to our list or - I must have missed it then.

Elisa Cooper: I did.

Ron Andruff: Perhaps we could have Bennie resend that just to see what we're doing. Because obviously outreach is a critical component. We've been trying to do it now for all 15 years I've been part of - or 14 years I've been part of the BC. And if we've got staff support now we really need to coordinate that well to try and capitalize on those opportunities. Thank you.

Elisa Cooper: If we would like to invite Chris Mondini to meet with us so we can discuss outreach again we did that last time and I don't really know how beneficial that was...

Ron Andruff: Not very. Yeah, not very unfortunately.

Elisa Cooper: Yeah, because I'm happy to invite him again if people want to do that.

Marilyn Cade: Yeah, Elisa, it's Marilyn. You know, Chris had the new role, right. He's moved in to...

Elisa Cooper: Yeah, no I'm familiar with his new role but I know that he still is also...

Marilyn Cade: Right, right.

Elisa Cooper: ...keeping that position as well in the time being.

Marilyn Cade: Right.

Steve DelBianco: Yeah, it's still Chris.

Marilyn Cade: Right. The only thing I was going to say is our feedback, Ron, has definitely improved what they're going to do so take a look at the cocktail. I support what Elisa just said.

Elisa Cooper: So, really quickly, we only have like one minute left. Is there anyone on ICANN staff that you would like us to invite to our BC meeting? Otherwise we will plan to discuss at length our agenda for our BC meeting at Durban on our July 1...

Steve DelBianco: We have a charter to take care of as well.

Elisa Cooper: Yes, that will definitely be - the charter will definitely take up a big chunk of time for our meeting in Durban.

Marilyn Cade: The only person I would suggest is the CFO.

Chris Chaplow: Elisa, Chris here. Susan Bennett's new role has been announced. That's somebody that comes to my mind.

Elisa Cooper: Okay. I'll have to look up Susan Bennett's new role. And...

Chris Chaplow: Yeah...

((Crosstalk))

Chris Chaplow: ...deliver on ICANN's agility, accountability and visibility. It's on the homepage of the Website the new...

((Crosstalk))

Steve DelBianco: ...before we invite her in.

Marilyn Cade: Maybe we could just send you ideas, Elisa, is that okay?

Elisa Cooper: Yeah, that's fine. I just wanted to see if anyone else had any specific ideas before we close the call out. And I don't see anybody's hand raised. So with that I want to thank everybody for participating in today's call. I think it was a productive call. We were able to make a decision about how to move forward with the NomComm vote. We've had a great overview from Steve. We've

identified some speakers that we'd like to invite to our regular BC meetings.
So I'll be following up with all of that.

And if there are any members that have specific ideas that you feel like we want to invite to come speak at the BC meeting in Durban let me know. But as Steve mentioned we have charter issues to discuss and I would like to spend time on outreach. So I think we'll actually be quite busy in our meetings in Durban covering those topics.

But if there's somebody that we feel strongly about let's definitely bring that to the list. All right, well thank you again, everyone. And I will hopefully talk to you all on July 1 at the ATRT meeting and then at our BC member call.
Thank you so much. Bye-bye.

END