# Minutes BC Members Call
# January 9th, 2014
# 11 a.m. EST (4 p.m. UTC)

**BC Attendees:**

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| Elisa Cooper | Aparna Sridhar |
| Steve DelBianco | Yvette Miller |
| Chris Chaplow | Philip Corwin |
| Marilyn Cade | Anjali Hansen |
| John Berard | Sarah Deutsch |
| Gabriela Szlak | Barbara Wanner |
| Jimson Olufuye | Mark Sloan |
| Andy Abrams | Andrew Mack |
| Jim Baskin | Benedetta Rossi, BC Secretariat |
| Marie Pattullo | |
| Stephanie Duchesneau | |
| Laura Covington | |

**Apologies:**

Richard Friedman

Ayesha Hassan

## 1. Introduction

Elisa Cooper:
- Elisa Cooper, BC Chair, introduced the call and the topics to be discussed prior to beginning the scheduled agenda.

**SOAC Leaders Call with Fadi Chéhade:**
- Elisa noted that the SOAC Leaders had a conference call with Fadi Chéhade, CEO and President of ICANN, that morning.
- Fadi decided that it would be a good idea for the leaders to meet with him on a monthly basis to have a dialogue and ongoing conversations. It has not yet been determined whether or not each of the meetings with Fadi will be focused on a particular topic.
- One person per Constituency will take part in the meeting and Elisa will appoint someone to cover for her if she is unable to take part in the call.

- The meeting which just took place was recorded and will be made available to everyone by Elisa as soon as she receives the link to the recording.

**ACTION ITEM:** Elisa Cooper will send the link to the recording of the SOAC leaders call with Fadi Chéhade to the BC list as soon as she receives it.

- Elisa noted that on the call with Fadi they discussed what his objectives for the year are.
- Fadi talked about his deep commitment to operational excellence and of his own development plans for within the organization like developing talents.
- They also talked a little bit about what's going on with Internet Governance. On that front, he was calling from Brazil and so Elisa believes he will be able to share some more information about the upcoming meeting, but he didn't have anything additional to share at this time.
- Fadi also mentioned that he's planning on joining the cross-community working group meeting on Internet Governance, so whenever that next meeting is scheduled he's planning to actually join that meeting and participate and give his ideas on what he's hoping that group will be focused on and what some objectives might be for that group.
- Elisa noted that this is positive and that it is a good opportunity if there are things that need to be brought to Fadi's attention to note them and Elisa will bring them to him during the monthly meetings.
- Fadi made a comment regarding 1Net, stating that he was concerned about the fact that the representatives from Business within 1Net were very North American focused. He also made clear that it's not for ICANN to drive 1Net, and that 1Net is a larger thing, where ICANN should participate, advise or provide guidance to 1Net, but that ICANN was not 1Net.

Marilyn Cade:
- Marilyn noted that she is one of the five representatives on 1Net. But 1Net is a distinct and different activity from CCWG.
- Marilyn also expressed real interest in how our representation on CCWG is non-geographically diverse.
- Marilyn asked how they can contribute to CCWG because CCWG should be able to affect what Fadi is doing, what ICANN's Board is hearing, and right now that is focused just on Brazil while somewhat adept activity.
- So what we need to figure out is: is this what we want ICANN to be doing both in Brazil and in Brazil follow-up?
- Marilyn noted her enthusiasm regarding Fadi's meetings with the SOAC leadership, and congratulated the leadership for making that happen since it is a major step forward. But now the question is: how do we advise you and others within ICANN to affect what Fadi is doing and saying?

**BC Officer Election 2014:**

Benedetta Rossi:
- Benedetta noted that she sent the draft timeline for the upcoming BC Officer Election to the Executive Committee, but is awaiting approval of the drafted timeline.
- As it stands the election procedure would kick off at the end of January 2014 and run through to the end of February, for a month long election cycle as per the BC Charter.
- This election will be focused on the BC Officer positions: the Chair, the Vice Chair for Finance & Operations, Vice Chair for Policy Coordination and the CSG representative.

Elisa Cooper:
- Elisa encouraged members to consider running to be part of the BC's Executive Committee, and noted that all current officers would be helpful, if new Officers were elected, to ensure smooth transitions.

## 2.  Community WG on Internet Governance

Elisa Cooper:
- Elisa asked the Cross-Community Working Group on Internet Governance (CCWG) Representatives to give BC members an update of where they think the group is, and then it would be great to hear from others who are following the 1Net mailing groups what they think about it.

Phil Corwin:
- Phil noted that he was on the CCWG call last Friday and that it was the first of the calls he joined.
- He expressed concerned that the organization to get ready for Sao Paulo is not happening quickly enough. During the hour he was on the call last week, he didn't feel that a lot was accomplished.
- As far as 1Net, Phil has been trying to follow that conversation, but noted that the mail traffic is somewhat overwhelming. You could easily spend an hour or two a day reading that email list if you're really going to be that diligent. And the conversation is all over the place.
- But the biggest takeaway Phil has so far is that 1Net has still not established a steering committee to ready itself for whatever its role is in Brazil, and Phil is not quite sure what its role is for Brazil.
- Phil also noted that they discussed the charter for the CCWG, and it is really not what Phil would consider a charter; it's somewhat more like an FAQ that was prepared by ICANN Staff.
- Phil believes the members of the CCWG need to address the Charter and really come together on what they think their mission is both in preparation for Brazil and for dealing with whatever comes out of Brazil and proceeding after that.

Aparna Sridhar:
- Aparna echoed Phil's comment that thus far she has not found either the calls or the 1Net initiative to be moving in a particular direction that's discernible which is a little bit concerning given that time is certainly moving forward.
- Aparna believes that regarding to the CCWG in with respect to 1Net, she thinks that what was most constructive, and where an agreement should be reached in order to move both organizations in the same direction would be to recognize that 1Net is an Internet community whether they're directly involved in ICANN or not, they have an important role to play in shaping Internet Governance and in preserving the multi-stakeholder model.
- And so both of these initiatives, 1Net and the working group, should have as one focus at Brazil meeting, but to be focused secondarily on the broader set of meetings and discussions that will affect the multi-stakeholder model.
- Aparna thinks that they ought to start thinking about what topics should be discussed at the Brazil meeting, what topics are not productive to discuss, and how we work with IEL and with Fadi and others whose team at this point to have a more direct link to Brazilians to start shaping the agenda.

Phil Corwin:

- There was information on the 1Net list about a local organizing group. The acronym for that is (LOG) which is run by CGI which is the Brazilian Internet Group. They've made some pretty important decisions already about the structure of the Brazilian meeting, that basically it will be a thousand participants.
- Half of the participants will be from the multi-stakeholder community which concerns Phil seeing as a meeting dedicated to preserving multi-stakeholder is only to have 50% representation from stakeholders.
- The other half from governments and from U.N. affiliated IGOs. And there's no further information on how the agenda will set. It's up to us how to decide how stakeholders are represented.
- But one thing that should be noted is that on the IGO lingo acronym issue where the GNSO Council adopted a unanimous resolution for treatment of those acronyms recently. On the comments on that, the U.N. coordinated a large number of very strenuous objections to the GNSO resolution saying that it provided inadequate protection to those IGO acronyms. So to the extent that issue is still festering when Brazil comes up in April, Phil is concerned that those IGO representatives will not have warm feelings toward ICANN as the discussions proceed.

Marilyn Cade:
- Marilyn noted that there is some good overlap between the CCWG representation from Business Constituency and the business community into 1Net.

- They have been successful in ensuring that the 1Net list is fully archived and will be available.
- Marilyn noted that she would like to ensure everyone that regardless of the fact there's only a thousand seats, there's no firm decision right now on how those seats will be allocated. The initial proposal was a 50/50 split but there's been some discussion within the 1Net group that that's not really going to work and there should be more flexibility to include more stakeholders.
- Marilyn also noted the importance on focusing on what the Brazil meeting is going to be about and what it's not going to be about, supporting Aparna's comment about this and adding that the substance of the meeting should be the main focus.
- The Brazilians very much want to advance support and endorsement of a set of principles that they have previously put forward. And perhaps we should vote within the CCWG and then into the broader 1Net, be thinking very clearly what's on the table, what's not on the table, at a Brazilian one-off event.

Elisa Cooper:
- Elisa supported Marilyn's comments and suggestions and asked whether there is a group of people that would be willing to create sort of a draft of what is on the table and what is not on the table or should not be on the table, that could be circulated to the full membership for further input? Or is this something that the participating members of the CCWG could do?

**ACTION ITEM:** Benedetta Rossi, BC Secretariat, should coordinate this effort with the CCWG members by emailing them to remind them of this task.

Elisa Cooper:
- Elisa asked the CCWG members what their thoughts are in regards to the outcome of the upcoming Brazil meeting? She noted that it feels like it is not moving anywhere.

Marilyn Cade:
- Marilyn responded to Elisa's question stating that she believes that the risk for the Brazilian meeting is 1Net is actually.1Net was supposed to be about larger issues, not limited to ICANN but hoping to develop solutions for orphan issues. And 1Net needs to do that which is taking away from a singular focus on ICANN, who covers ICANN, who's in charge of ICANN, what ICANN does.
- The real risk, according to Marilyn is to let Brazil become only about ICANN as opposed to addressing larger issues. Those larger issues are being addressed in number of other forums. Many businesses are engaged in those other forums.
- So if we can manage Brazil's meeting to be narrowly focused on principles and not definitive in decision-making, but feeding into the IG issues and feeding into other discussions including the ICANN discussion, I think that advances the Business Constituency's interest.

Aparna Sridhar:
- Aparna believes that Marilyn articulated the worst case scenarios. She believes that the best case scenario is we have a productive multi-stakeholder meeting in which ways to improve the model that preserve its core that gives governments a sense that their voices will also be heard is sort of a best-case outcome.
- Aparna does not think they are going to come to any definitive conclusions in April, but getting off on a path to help open dialogue would be a good outcome.

### 3. Policy Update - Steve DelBianco

Steve DelBianco:

**Study on WHOIS Misuse:**
- Steve noted that on the policy calendar he circulated to BC members there were only four open public comments under Number 1. Comments on this topic close a little over a week from now.
- On the BC Members call which took place in December, there were three volunteers from the BC – Jimson Olufuye, Susan Kawaguchi and John Berard. Steve thanked these members for their efforts.
- Jimson, Susan and John prepared a one page draft that the three of them were continuing to work on, but Steve attached it to the policy calendar email thinking it was the current best draft that was available. And with only ten days left in the comment period Steve thought it would be great to get it out there.

John Berard:
- John noted that their draft is a one-page draft because there really isn't a whole lot to say. The WHOIS misuse study was aimed at putting off frame around the suspicion that the data was being misused.
- The other WHOIS efforts and directory services efforts are already moving fast and farther and will likely accommodate the concerns raised by the WHOIS misuse.
- The one point that they felt strongly about, though, was that the study not be used to slow down any other efforts. The high level of misuse that was documented might cause a reaction to slow down and take another look at this.
- But John, Susan and Jimson just wanted to make sure that their comments made it clear that the WHOIS misuse findings were further evidence that the other efforts already underway are well intended and should not be slowed down.

Steve DelBianco:
- Steve noted that he appreciates the draft and feels that it is appropriate for the BC to submit.

- There is one historical context. The reason we did a study on whether there's misuse of WHOIS, is that privacy advocates has meant as much as ten years ago, claimed that spammers and those with harassment in mind would misuse public access to WHOIS in a way that harmed people. And that was just a vague allegation or suspicion that they would make. So in order to be fact-based we'd encourage ICANN to actually study the extent of true misuse of public access to WHOIS.
- Steve really likes the focus that John, Jimson and Susan have on acknowledging that the report shows ways to mitigate whatever limited kinds of misuse there is. So there is no excuse to throw WHOIS out because there could be some misuse.

Jimson Olufuye:
- Jimson noted that the Internet needs for the public to actually access WHOIS, while at the same time the number of materials, activities that's come out of public access now to WHOIS did the studies differently.
- The drafters also found that the population using a study is not sufficient demand though the analysis of the results obtained was quite extensive. But the effects of that in the long run could not be evaluated by the reports.
- So one of the recommendations that the drafters made is that this would be an ongoing effort.

Steve DelBianco:
- Steve thanked John and Jimson for their efforts on this draft and noted that he will circulate comment as a textual email to all the BC members after the call and remind everyone they will have a ten day review period before they submit it to ICANN.

**ICANN's mission, vision and focus statement for their five year strategic plan:**

Steve DelBianco:
- Steve noted that this topic was discussed extensively in Buenos Aires. The BC leads on this topic are Tim Chen and Chris Chaplow, who have also been joined by Martin Sutton, Marilyn Cade and Andrew Mack.

Chris Chaplow:
- Chris noted that comments for this topic are due by the end of January. Chris calculated the 14 day period which they are aiming for and to publish comments back to the BC comments on Friday the 17th January.
- The drafting group had a call earlier this week and have internally split the work up into the five focus areas that are outlined in the plan: evolving ICANN's implementation multi-stakeholder approach, coordination, developing world-class public responsibility framework, supporting

healthy unique identifier ecosystem striving towards technical, operational excellence then defining more currently for ICANN Internet governance ecosystems.

- Each drafter picked one of these areas to comment on, but Chris noted that he thinks it will be difficult for them to draft since they will be effectively predicting what the will of BC members is.
- Chris therefore highlighted the importance of publishing these comments on the 17th and for them to receive feedback from BC members.
- Chris mentioned that one of the areas is asking for mission and vision. The drafting team has decided to suggest that for the mission they are saying it shouldn't be touched, since it is in the ICANN bylaws and that's what's best left for now.
- And the vision is according to the draft changing from the old vision which was one world, one Internet to the new vision which is actually along a lengthy two sentence structure. They are proposing to drop the second sentence and just go for an independent global organization just at worldwide to coordinate the global Internet systems of unique identifiers to support the single openly globally, operable Internet.

Marilyn Cade:
- Marilyn expressed her support to the approach the drafting teal is taking right now and also stressed the need for members' input.
- To Marilyn, having a narrow mission is a real priority, so BC members need to think about what that means. A narrow mission doesn't mean that ICANN can't engage in educating and creating awareness about what their mission is, what their role is. But what needs to be figured out if they are still firmly committed to the narrow technically oriented coordinating mission.

Steve DelBianco:
- Steve thanked Marilyn for her comments and agreed wholeheartedly. ICANN needs to stick to a limited mission. The more it expands its mission to cover or finish becoming the world's multi-stakeholder engine the bigger a target it is for United Nations take over which diminishes any private sector role at all. So limited mission could be the best defense for ICANN.

**ACTION ITEM:** The drafting team on this topic will send out their draft as soon as possible for BC members to review and comment. Steve asked them for one document with the five topics merged, for members to review them all at once, rather than separate documents.

**Status update from expert working group on gTLD Directory Services:**

Steve DelBianco:
- This topic was discussed briefly in Buenos Aires. The report was published in early November and was an 84 page document by the Expert Working Group on gTLD directory services. Remember, this is the replacement for WHOIS.
- Comments close at the end of February, so the BC has plenty of time to file comments.

- Susan Kawaguchi, BC member from Facebook is on that working group.
- Steve asked if there are any volunteers in the BC that would seek to work alongside Susan at trying to formulate BC response to the status update on the new WHOIS.
- Steve noted that this is an excellent report and it actually does incorporate a number of suggestions that the BC made on an earlier draft that this Expert Working Group put out.

ACTION ITEM: Jimson Olufuye volunteered to assist Susan Kawaguchi with these comments.

**New gTLD Auction Rules :**

Steve DelBianco:
- Number four is the new gTLD option rules. These are options that were in a contention set, and Steve does not believe that's something that's in the BC sweet spot so Steve is not necessarily looking for volunteers.
- Steve asked if any member was interested in discussing or commenting on this topic.
- There were no comments from BC members.

**BC statements and responses during public meetings:**

Steve DelBianco:

- Steve noted that on singulars and plurals over the Christmas/New Year's holiday Andy Abrams of Google and Steve prepared a brief letter asking the new gTLD Program Committee to look at a way of resolving differing results that were coming back on objection.
- These are the expert panels, who evaluate objections. They got different results for singular or plural objections on string confusion. The only two outlier cases were car, cars, hotel, hotels.
- Steve and Andy prepared a letter circulated for ten days of Business Constituency member review. They had five people supporting it and no objections or questions. So Elisa Cooper, BC Chair submitted it on January 5.
- Now ICANN has yet to post that letter, but it was very constructive in that it suggests the new gTLD Program Committee that they could adopt an appeals process on the string confusion objectives objections that's very close to what the Board already approved for the ccTLDs and their fast track when they have strained confusion issues.
- The idea here is to suggest there are ways ICANN can address this. And they've done so in other areas.

**State of the Net Conference:**

Steve DelBianco:
- Steve noted that there is a state of the net conference held every year in Washington DC on the same day as the President's State of the Union. This year this call will take place on January 28.
- There are two panels relevant to the topics discussed earlier on the BC call.
  - One is a panel called if our multi-stakeholder model is the past, present and future of Internet governance, and a definition of it. The lead of this panel is Milton Mueller, a prominent ICANN participant.
  - The second panel where Fadi Chéhade, Steve and others will debate the question: will the Brazilian reboot turn the Internet into a brick? And Milton Mueller came up with that title.
- Steve noted that the congressional staff knows exactly what ICANN is, and some are also aware of what IANA is. They will be interested in understanding if ICANN is really coveting a permanent ownership of the IANA functions. Would that actually make things better or worse? Would it make ICANN a riper, richer target for ITU take over? And would it remove the ability to protect ICANN from the ITU once ICANN is holding the IANA authority permanently?
- Steve mentioned that active remote participation will not be available so members who have any points of advice they would like Steve to bring forward they should let him know via email.

**Spec 13 Team as the .brand registry agreement with ICANN:**

Andy Abrams:
- Andy asked for the BC to draft a public comment in support of Spec 13 Team as the .brand registry agreement with ICANN.
- Andy noted that right now ICANN has a form registry agreement with all the new gTLD registries, but the Brand Registry Group (BRG) has been negotiating with ICANN to come up with a different form for .brands.
- These are typically companies, and ICANN has posted this form agreement for public comment.
- The BRG is issuing a comment in support of that agreement, as well as Google. Andy noted that he could draft a statement for the BC if other members are interested.

Steve DelBianco:
- Steve asked if other members share an interest with Andy at examining and potentially commenting on Spec 13, noting that the BC commented on nearly every other section of the registry's agreement until now.

Elisa Cooper:

- Elisa noted that she does not believe that the Business Constituency would have issues with what is contained in Spec 13.
- What's contained within Spec 13 has to do with allowing primarily .brand registries to be able to use only single registrars. It also has the notion of a .brand registry.
- Elisa supports the BC commenting on this topic.

**ACTION ITEM:** Andy Abrams and Stephanie Duchesneau volunteered to draft a comment on Spec 13 on behalf of the BC.

### 4. GNSO Council Update – John Berard/Gabriela Szlak

John Berard:
- John noted that the agenda for the next Council meeting is not yet available, but there are a couple of things that John encourages members to take a look at.
- Over the course of the last year the Council has been called upon and has issues with an increasing number of letters in response to questions. Two new ones, we can find these at the gnso.icann.org site under Council Activities Correspondence.
- The first one is the council comments on the Geographic Regions Working Group. The council has asked for clarification on a piece which suggests that there be created or allowed to be created special interest groups among countries and territories that don't feel that their current situation totally satisfies their need. There are special interest groups that would be outside of a formal regional structure, but and this is a quote, they would be able to lobby for the support of elected representatives. So the council has asked for clarification of what that means to lobby for the support of elected representatives.
- The other letter is a response to the ATRT2 report. The council comments focus solely upon the ATRT2 comments on energizing with their working groups which is an ongoing matter for the council and as part of an ongoing initiative, which John believes will be a part of the agenda at the next meeting on PDP improvements. There is a request for a small group of counselors to work with staff to move forward on a set of initiatives that have been identified.
- John noted he is reformulating the Cross Community Working Group Drafting Team, with the BC and other groups. As members are aware there are increasing numbers of Cross Community Working Group opportunities. The rules governing their performance, behavior, output creation are not nearly as specific as for the working groups within individual SOs. So there's an attempt to create a set of rules that would guide these cross community working groups who are seeking to get co-chairs of the drafting team from at least at the ccNSO and from at least one other SLA to get a good grounding as it moves forward.

Gabriela Szlak:

- Gabriela added that she will volunteer to join the group for improving participation in working groups and everything related to that.

John Berard:
- John asked if members have any questions or comments and noted that the motion deadline for the next meeting is the 12th of January which is Monday.

Steve DelBianco:
- Steve asked for John and Gabi to ask the Council to add to the agenda the Brazil meeting and Internet Governance topic as part of the formal Council discussion.

ACTION ITEM: John Berard/Gabriela Szlak to request by the 12th of January for the Brazil Meeting & Internet Governance topic to be added to the Council agenda as a formal topic of discussion.

5. Conclusion – Elisa Cooper

Elisa Cooper:
- Elisa noted that the BC will have another members' call in a week's time on Jan. 16th at 11 a.m. EST prior to the Council call.
- Elisa thanked members for participating on the call and adjourned the meeting.