



Minutes: BC Members Call June 20th, 2013: 11 am EST (3 pm UTC)

Attendees:

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| Elisa Cooper | Andy Abrams | Sarah Deutsch |
| Steve DelBianco | Elizabeth Sweezy | Marie Pattullo |
| Chris Chaplow | Jim Baskin | Philip Corwin |
| Marilyn Cade | Bryce Coughlin | Mark Sloan |
| John Berard | Laura Covington | Ron Andruff |
| Jimson Olufuye | Linda Kinney | Benedetta Rossi – BC |
| Anjali Hansen | Frederick Felman | Secretariat. |
| Angie Graves | Barbara Wanner | |

Apologies:

Stéphane Van Gelder
Ayesha Hassan
Gabriela Szlak

1. Review of Agenda and Other Open Items – Elisa Cooper

Elisa Cooper:

- Reviewed the agenda for the call and asked for members’ input for the Any Other Business slot.
- Topics added:
 - Elisa Cooper: new gTLD Timeline & upcoming ICANN Meeting in Durban

Nominating Committee Election:

Elisa Cooper:

- Elisa noted that the BC holds two positions on ICANN’s Nominating Committee. All of the other Groups/Constituencies hold only one seat on the Nominating Committee, but the BC holds two: one representing large business users and one representing small business users.
- Last year’s Nominating Committee delegates for the BC were not elected, but appointed by the Executive Committee. Elisa feels very strongly about hosting a full membership vote this year, not an appointment.

The ICANN GNSO “Business Constituency”



- The Executive Committee has discussed the only outstanding issue regarding this election, which is whether members should identify during the election whether the candidate is to sit in the small business capacity or in the large business capacity.
- Elisa noted that this was discussed by the Executive Committee, but that she is very interested to hear from members about this issue prior to the elections opening.

Ron Andruff:

- Ron noted, as the BC’s NomCom delegate for this year, along with Waudo Siganga, that he doesn’t believe that ‘large business representative’ and ‘small business’ representative is the right nomenclature.
- When delegates join the NomComm they all swear an oath to the NomComm and foreswear their relationship to their Constituencies.
- So there really isn't any discussion about whether it's big or small business, but it's about whether or not the delegates are bringing their voices to the work of selecting the various representatives in the GNSO, ccNSO, ALAC and the Board.
- The large and small business nomenclature is there because of Philip Sheppard and Marilyn Cade, who worked hard to give the BC more voice on the Nominating Committee and proposed a large and small representative.

Elisa Cooper:

- Asked BC members whether further clarification on this topic was needed.
- The question is whether members should specifically identify a candidate for the election to be either sitting in the small business or large business capacity, or alternatively should members just nominate any member with the correct capabilities then essentially select the two that have the most votes?

Marilyn Cade:

- Marilyn noted that if any BC members, are applying directly or are affiliated with an association or company which is applying for any position appointed by the Nominating Committee, or are applying to run in the Nominating Committee elections, they need to recuse themselves from this discussion.
- This point was made to maintain the integrity of the BC process.

Steve DelBianco:

- Following Ron Andruff’s comment regarding the lack of specification within the NomCom about representing large or small business, Steve noted that it’s important to understand whether there is 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.
- Steve understands 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. But if the BC is expected to represent those perspectives then Steve believes it



makes sense to have candidates self declare which of those perspectives they associate with.

Ron Andruff:

- In response to Steve’s comment, Ron mentioned that when delegates arrive at the table of the NomComm all representation of whatever Constituency or Stakeholder group they come from is gone, so there is no recognition by the other members of the Nominating Committee as to who is small or who is large with regard to the BC.

Elisa Cooper:

- Asked members present on the call to use Adobe Connect to vote on a straw poll, stating whether they agree or disagree regarding the outstanding issue on the NomCom delegates: if members agree with designating that the candidate or delegate is for a particular position, either the small business or large business, they should click Agree; if members disagree with this approach they should click the Disagree button.

Marilyn Cade:

- Marilyn suggested sending this matter to the BC Secretariat for neutral voting on the list.

Elisa Cooper:

- Elisa responded that Benedetta Rossi, BC Secretariat, was addressing the Nominating Committee to seek an extension for the announcement of the BC Delegates, but that the BC was short of time, hence her decision to take a straw poll on the call.

Sarah Deutsch:

- Sarah noted that she has put her name forward again for the large business seat.
- Having been on the NomCom once before, she agrees with Ron in stating that once you’re on the NomCom you just generally represent the Constituency.
- But that said, Sarah highlighted that the BC does have two seats, one designated large business, one small.
- Sarah noted that it’s hard for the BC to have any credibility to keep those two seats if the people in the room don’t have the large and small business expertise.
- Sarah highlighted the importance of this issue and that she believes this matter should be fully discussed by all members in the BC in order to make a decision.

Elisa Cooper:

- Results of the Straw Poll: Elisa Cooper, Andy Abrams, Steve DelBianco and Elizabeth Swezey and Sarah Deutsch voted in favor. Marilyn Cade, Ron Andruff and Chris Chaplow voted against.
- A number of BC members on the call did not vote at all.

The ICANN GNSO “Business Constituency”



- Elisa decided to put this issue out to the BC list, but noted that there isn't a lot of time to discuss this, and that Benedetta Rossi, BC Secretariat will soon be circulating the full elections procedure and timeline for the appointment of the two BC NomCom delegates.
- The election will be run like the Officer elections, as per the BC Charter.

ATRT Conference Call:

Elisa Cooper:

- Elisa announced to members that on July 1st there will be a call held by the ATRT for members to provide some feedback and for the ATRT group to provide members with some information.
- Benedetta will be sending out information about the call to the BC list.

Mixer with NCSG in Durban:

Elisa Cooper:

- BC Members discussed having an event in Durban with the Non Commercial Stakeholders Group as a relaxed informal mixer, as a means to get to know them better.
- Organizing this event has proven to be fairly challenging, but as it stands the BC will still have an informal mixer, most likely held at the hotel bar. The full CSG will attend.
- Laura Covington and J. Scott Evans had graciously agreed to sponsor for just the BC and the NCSG so we're just confirming that they can still sponsor that part.
- It has proven to be too expensive to have this event hosted in the venue in a separate room.

Laura Covington:

- Laura confirmed that Yahoo can indeed sponsor for the BC and NCSG.

Speakers at BC Meetings in Durban:

Elisa Cooper:

- Elisa asked members to specify what individuals they would like to hear from in Durban, what kinds of updates they would like to have, in order to proceed to invite speakers to participate in the various meetings in Durban.
- Elisa proposed: Fadi Chehade, Christine Willett, Cyrus Namazi.

Ron Andruff:

- Ron thanked Elisa for this inquiry, and noted that it would be great if the BC could get the key members of the ICANN leadership in the room.



- Ron noted that having Cyrus Namazi in the room would be very helpful since he is one of the new faces within the community that most members do not yet know. Now, with his new role in this new business unit it would be good to get some explanation about what that new business unit is.
- Ron also put out there that the BC could invite Patrick Fältström or other members of the SSAC because there's been some discussion now about the dotless domains and Ron believes that a lot of people are confused about how this works exactly, and what the technical issues are.

Steve DelBianco:

- Steve echoed Ron's suggestion regarding the SSAC, specifically on the SSR.
- Steve is also interested in hearing from the Compliance team regarding the new compliance functions of the new gTLDs. This session would not be aimed at another powerpoint presentation from Maguy Serad, but a Q&A to see if the Compliance team is really ready.

Susan Kawaguchi:

- Susan noted that the EWG - the Expert Working Group - will be available to the Constituencies this time, and Susan urged the BC to request some time with the EWG because there are some interesting things going on but the WG really needs the BC's input.

2. Commercial Stakeholder Group Update – Marilyn Cade

Marilyn Cade:

- Marilyn and Elisa were on a CSG coordinating call yesterday.
- The CSG will meet in Durban, and will have a unique situation that was negotiated with the help of the other two Constituencies in the CSG.
- On Sunday morning from 8:00 to 9:00 the CSG will have their usual discussion with the two Board members that are elected by the GNSO Council. That is Bruce Tonkin and Bill Graham. This meeting will be transcribed and is limited to members only.
- In the afternoon on Sunday the CSG will then have a two-hour, maybe two-hour and 15 minute session. This is a new, 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.
- This session will focus largely on CSG preparation for their meeting with the Board.
- On Tuesday morning we have the cross constituency breakfast with the GAC. That is from 8:00 to 9:00.
- From 9:30 to 11:00 the CSG will host the CSG open meeting. So far the only confirmed external guest is the Expert Working Group.
- The SSAC has also been invited to either join the CSG meeting on Tuesday morning, or if they are not available, to join the CSG on Sunday afternoon to include a discussion on



the two SSAC reports which include 053 and 057, dotless domain certificates, risks and threats.

- For the Cross Constituency Breakfast with the GAC, Marilyn noted that the GAC has accepted all of the topics supplied to them by the CSG.
- The first topic is the issue of the role of the GAC in acting in advising ICANN on what is the public interest. The second one is the new gTLD advice and how that is progressing. And the final topic is the Affirmation of Purpose discussion which Fadi Chehade has introduced which is probably mostly going to be deferred into BA but will be introduced as a topic in Durban.
- The GAC has asked for French-speakers at each table, so Benedetta Rossi, BC Secretariat, has sent out a request to all three Constituencies to notify her of French speakers.

3. Policy Update and Open Discussion – Steve DelBianco

Steve DelBianco:

- Steve updated BC members regarding the public comments posted by the BC since the last BC call hosted on June 6.
- The BC submitted two additional comments: one on the proposed final new gTLD registry agreement, and the second one on the Accountability and Transparency Review Team Number 2.
- Steve noted that Chris Chaplow put in one set of initial comments on the fiscal year 2014 budget, and asked Chris if he is planning to submit another set of reply comments on this topic.

Chris Chaplow:

- Chris noted that Angie Graves did the heavy lifting on this topic and submitted a spreadsheet to the BC list about a week ago which was more focused on answering questions than bringing up anything new.
- The comments presented are in line with the current BC positions, and no members commented for or against the comments presented.
- Chris therefore noted that these comments will be submitted on the reply comment period which closed on June 21st.

Steve DelBianco:

- Steve noted 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. These nine items have nothing to do with the safeguards in the GAC advice; they are the non-safeguard items.

The ICANN GNSO “Business Constituency”



- Steve put one to the BC which is the fact 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."
- Steve believes the BC should press for some transparency about whether that's a formal reconsideration and how it will be done.

For BC Member reactions to this topic please refer to pages 18-19 of the transcript

Steve DelBianco:

- On the 19th of June ICANN staff published a summary of the 132 public comments that came in on GAC advice, including the safeguards. The BC submitted an extensive comment on this subject.
- Steve noted that for each element of GAC advice, ICANN staff led by Jamie Hedlund summarized community support versus community opposition on any particular element of GAC advice.
- Steve's rough read of that document is that staff is giving over twice as much text, twice as much weight, to opposition comments versus supporting comments. And that may be completely accurate in terms of what the staff read in the comments.

Ron Andruff:

- Ron noted that it was quite notable that the pushback came from virtually all of the new registrants, the NTAG and all kinds of applicants.
- So basically what was seen was a pushback from the applicant community and more support from the Non Contracted Parties side.

Marilyn Cade:

- Marilyn made a comment about integrity of staff analysis. If ICANN staff are not providing a totally unbiased analysis, and the only documents the Board of the 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.
- If the BC sees a problem in the fairness of the analysis, Marilyn believes the BC needs to note this and state that a more neutral analysis needs to be undertaken.
- Marilyn pointed members to ICANN's mission and its core values, to see that ICANN's role is not to support suppliers.

ACTION ITEM: Steve DelBianco will look at the bylaws and circulate the comments back to Marilyn Cade to see how the BC can comment on this topic.



Steve DelBianco:

- Steve, Ron Andruff, Marilyn Cade, Philip Corwin, Anjali Hansen and Chuck Warren attended a one-hour session at the US Chamber of Commerce in Washington DC. Fadi Chehade made extensive remarks and took 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 Steve noted six key quotes in the policy document he circulated to BC members.
- The most alarming quote was that he believed that all GAC advice would be wrapped up by Durban.
- Fadi also made positive comments about wanting to mitigate risks before they launch.

For further discussion on this topic please refer to pages 22-25 of the transcript

Steve DelBianco:

- Steve noted that next Tuesday ICANN and Center, which is the ccTLD operation - are hosting an open meeting in Brussels. Steve sent the agenda to this meeting to the BC list.
- Most of the senior ICANN staff will be there along with Fadi Chehade.
- Steve sent this to Marie Pattullo, AIM, who is based in Brussels, to see whether she could possibly find room in her schedule to attend the meeting on behalf of the BC.
- Looking at the agenda, there's an opportunity for the BC to ask about some of the follow up items we've discussed in the last 10 minutes.

Marie Pattullo:

- Marie hopes to manage to participate on behalf of the BC, but currently has conflicting meetings.

4. GNSO Council Update – John Berard/Zahid Jamil

Zahid Jamil:

- Zahid noted that on the Council list there were issues raised about the reconsideration that the NCSG had filed before the Board, BCG, and the Board with respect to the regarding the trademark plus that we all lobbied for in the BC and the IPC.
- That reconsideration result that came out was being challenged in discussions on the Council list. On the last Council call one of the things that became a huge point of contention between IPC, and Zahid as BC Councilor was that they want to send a letter out.
- They have actually sent a communication out now to the Board, pointing out that some Constituencies were not in agreement and had concerns about the rationale that had been mentioned in that reconsideration rejection.



- Zahid believes that BC members should be aware of this issue because what the Registry Constituency and the other groups including the NCSG, are trying to do is use that as a second strike to bring out the issue that all the decisions that came out of the Strawman and anything else that we'd been trying to do are in fact a circumvention of the bottom up process.

For further details on this discussion please refer to pages 28-31 of the transcript.

5. Durban Prep - All

Elisa Cooper:

- Elisa asked BC members to brainstorm the topics they would like to be covered in the BC meeting agenda in Durban.
- Since there is a call regarding the ATRT on July 1st, Elisa decided to defer this brainstorming session for the moment, and opened the call up for member comments, thoughts or questions prior to closing the call.
- Elisa noted that she would like to focus on discussing outreach and how to improve membership during the BC meeting in Durban.

Steve DelBianco:

- Added the Charter as a topic for discussion in Durban.

Chris Chaplow:

- Chris suggested inviting Susanna Bennett, COO, to the BC meeting as a speaker.

Elisa Cooper:

- Thanked members for joining the call and adjourned the meeting.