# Transcript ICANN Helsinki

## GNSO – Business Constituency CBUC - Monday, 27 June 2016

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http://gnso.icann.org/en/group-activities/calendar

Chris Wilson:     Now in Helsinki in June. I know Dan's got some updates to share with us and answer any very quick questions that folks may have about the program, and then we'll go ahead and turn to Steve for the policy calendar. So, Dan, perhaps let's turn to you real quick and go ahead and tell us what's going on. Thank you.

Dan O'Neill:      Chris, thank you very much. Certainly appreciate the opportunity to give just a brief overview on the document development and drafting pilot program, which I have been tasked with standing up in response to community interest in trying to broaden the bandwidth and ability for stakeholder communities to engage in the drafting process and interaction with ICANN in response to that.

Working with the policy development team and with Rob Hoggarth, we have carried on an extensive set of interviews with the community, with ICANN

staff to develop a two-pillar program to address this. The first element would be more generally developing update documents or primers on the various different comment opportunities that come out of ICANN and assisting with an analysis of those - impact of those, background for those analysis of what those opportunities are.

The idea is to develop a one- to three-page document that will be pushed out to all of the stakeholder communities, talking about the impact of these with the idea of trying to prompt greater engagement and input from the stakeholder communities into these writing opportunities.

The second element that we have been engaged with the Business Constituency as one of five different stakeholder communities that will be involved is on a more direct relationship where we will be providing a service, an individual contractor to assist the community in development of research, drafting, engagement in any kind of community calls that might be ongoing in order to, again, just kind of build out that bandwidth for communities to engage in drafting and developing these ideas.

In addition to the Business Constituency other stakeholder communities that will be involved are the IPC, the NCUC, the registries, and the registrars. Again, the notion is there will be a singular individual that'll be working with the BC to develop these ideas. During the pilot period, which we foresee right now as being a fourth-month period, the concept is to provide 25 hours of service to the BC, again, working with BC leadership to understand how best to engage there. Chris has been very helpful in that.

So with that, I will stop there. Obviously an important opportunity here in Helsinki to kind of move the process forward. It's come together very nicely but now we're ready to kind of step it out the door and really start to engage with each of the communities. So with that, I can open it up for any questions in a very condensed timeframe here.

Chris Wilson: Thank you, Dan. Yes, any questions from BC members about the program? Denise? Real quick I should ask everyone please state your name for recording purposes. Thank you.

Denise Michel: Denise Michel, Facebook. Excuse me, Dan, could you please just send us an e-mail and tell us specifically when things will be occurring so we know when we can actually start this? The fiscal year ends June 30 so could you also -- I don't want to take up time now -- but could you also address the - have Rob Hoggarth address the funding? We'd specifically like to know when we can move from the talking about this phase to actually getting policy assistance in place and we can start providing tasks for them.

Dan O'Neill: Absolutely, we'd be happy to do that. And we are in the process of absolutely moving from the talking to acting. So I'm happy to share that with you, Denise.

Chris Wilson: Marilyn?

Marilyn Cade: Thank you. Marilyn Cade. I want to really express my appreciation for the fact this is moving along, because for some BC members you may not be aware that we actually began asking for this kind of support quite a long time ago. And I think this - it's great that the BC is stepping up to kind of developing the pilot in a way to make sure that it can serve our needs.

And I appreciate that one of the changes I hear that it's been committed to now is the idea of an identified person as opposed to someone that is perhaps - because one of our concerns was okay we're bringing someone in to support the BC, who needs to really understand our needs and focus on them. And I want to express my support for that improvement in the program.

Dan O'Neill: Thanks, Marilyn. And again, working from the interview process, it became very clear that, you know, the ability to develop that trusted relationship between the community and the vendor was critically important. And that's

why we did include this element that there would be a singular vendor for each community so that we can really start to foster that trust and environment.

Chris Wilson: Any other questions from folks for Dan? Okay. Well great, Dan, thank you very much for that. I'm sorry for the condensed timeframe.

Dan O'Neill: Thanks, Chris.

Chris Wilson: I appreciate it. And of course we'll follow up offline as well.

Dan O'Neill: Excellent.

Chris Wilson: Thank you. Okay, Steve, why don't we go ahead and turn to the policy calendar.

Steve DelBianco: Hey thanks, Chris. Steve DelBianco with NetChoice, Vice Chair for Policy Coordination in the BC. Welcome to all the non-BC members who decided to watch how we do business. This will be a highly condensed format. We use what we call a policy calendar every two weeks to assess comment periods and opportunities and challenges that are in front of us. And we use it to coordinate activities of our policy drafting team, of our councilors, and our CSG liaison, Cheryl Miller. So we try to pack all three into a calendar like this.

We're going to try to do this in a very condensed format and only focus on items that require immediate attention given the condensed timeframe here. We also will refrain from deep dives into internal BC debate over a comment we're in the middle of drafting, partly because of the condensed timeframe but also because well it's an open meeting, right? The BC is entirely open about comments that we publish but we often do our deliberations on conference calls that are open to BC members only.

So I'll start at the top of the policy calendar to quickly thank Denise Michel for drafting our comment on ICANN's expected standard of behavior and to Marilyn Cade for offering some edits. We filed that on the 25th of June. Andy Abrams, thanks again for your help on Hyundai, Kia, and GoDaddy comments in the RSEP.

If you scroll down to the first channel on new public comments, do you have individual scroll control or - okay great, thanks everyone. So let me highlight just a few these. There's four currently open right now. The first is on the revised articles of incorporation. There are a handful of revisions to the articles of incorporation, which are only a page long.

Only one of those revisions is truly material to what the BC supported implementing the IANA transition and holding ICANN accountable to the stakeholders, and that is that any changes to the articles would be subject to the approval of three-quarters of the board, but more importantly, the written approval of the empowered community. And that's something the BC worked for almost two years and pushed it on the CCWG, and it's been approved. It's part of the new draft. And so I think that our comment will be short and sweet and that we will want to approve the new draft articles of incorporation.

So we discussed it again in all-day session yesterday. ICANN Legal circulated late yesterday afternoon a handful of clarifications to the language and the articles of incorporation. I'll incorporate those into a BC comment so that we're commenting not on what was published but on the clarifications that ICANN legal gave us yesterday. That'll be on articles.

Let me jump now to number three, the proposed amendments to the base new gTLD registry agreement. I want to give a shout out to Denise Michel, who's volunteered to lead that drafting. Andrew Harris of Amazon indicated today having some interest in working with Denise on that. And Paul, I do hope you'll considering working on that as well so that we can circulate a comment by Friday of this week, giving the BC the 14 days of review prior to

submitting the comment. And again, this is on the new gTLD registry agreement.

And are there other volunteers in the BC that want to work more closely with Denise as lead drafter between now and Friday? Okay great. So Amazon and Microsoft work closely with Denise if you can and we'll see if we can get a draft circulated Friday. There's time to make changes after the draft, but it would be great to get one out. Thank you.

The fourth one on there is the ICANN Fellowship program. That process is being revised, and ICANN is closing for comments on the 29th of July. There's plenty of time there but I wanted to point out that the BC budget that Jimson will discuss briefly and has already sent to each of you, well a substantial component of next year's BC budget is on outreach. And a lot of that outreach is in order to generate the kind of interest from the BC targeted community in parts of the world that don't participate today.

And Jimson included in his budget plan a pie chart showing the heavily represented North American contingent in the BC, followed by Europe, and then very thin representation in the rest of the world. So I don't consider this a diversity initiative, I consider it a coverage initiative. Do we cover the planet? It's not about diversity. Oh we need more folks from - no we need coverage of BC target members. Those are business users and registrants.

So I bring all this up in the context of this fellowship because the fellowship program is how the travel for some folks that we want to bring into the BC would be covered. So I would invite Jimson and Andy Mack, as the two BC members working the hardest on outreach, would you please examine this new fellowship criteria and draft BC comments on whether we think it's appropriately open to business community members.

And Marilyn, let me also recognize that outreach has been something you've led the way for 15 years, so if you would join them as well. But try to develop

a BC comment to make sure that the new fellowship program is open to business participants. So we'll stop. Denise, if you have any comments on the two previous items. I'll stop there and take some comments before we move on in the policy calendar. Andy, you were first.

Andy Mack: Yes I'm happy to do the first draft, lead the draft team on that if everybody wants. And I agree with you, I think that casting it as a diversity issue misses the importance of the business community in the developing world. And we want coverage, we want that voice as part of a more diverse ICANN, not just diversity for its own sake, absolutely.

Jimson Olufuye: Yes thank you, Steve. Perhaps this is an opportunity to introduce Chinthaka from Sri Lanka as part of our outreach program. So the focus is really to build out coverage. And I want to thank the outreach community. I think the outreach community who actually handled it, as led by Andrew Mack. Thank you.

Marilyn Cade: Thanks. Marilyn Cade. I want to make a very quick comment. I'll work very closely with everyone else interested but I'm going to express perhaps a slightly different view about whether or not we really want to put the BC eggs in the fellowship basket or we want to make sure that we maintain full support for the additional funding support that we have through our own outreach. So I think we need to look at this very closely. The - I just spent all day yesterday both in a session on new mentoring pilot, on the next gen, and with the fellows.

And we have - we did benefit from having Omar, who is a member, go through the fellowship program, but for most businesses the fellowship program is a little too remedial and a little too time consuming. I think our own outreach program where we're able to bring in a mature business executive and bring them in more quickly gives us a lot more flexibility. So I agree we should try to make sure that there's fairness in consideration, but I do have a

very in depth understanding of the program and the amount of time they're required to do.

And I think we in our comments we want to be sure we maintain the other support for the funding we get that allows us to do our own targeted outreach for our business leadership. So we're not then told, "Okay you can't have that $10,000 because you might get three people going through the fellowship program."

Steve DelBianco: Thank you, Marilyn. I'm aware too that we have a significantly reduced, 70% reduced dues for business constituency new members that come from targeted regions and yet in Jimson's budget report he notes that that is necessary but not sufficient to get a traveler to cover the travel costs. And that is why - one of the reasons why I immediately thought there was more of a linkage to the fellowship program because travel. You bring up a great point though that if ICANN pays the travel and keeps them busy the entire week, they're not going to be with us. Andy?

Andy Mack: Just a nuance. First of all, fair point, Marilyn, and the last the thing that we would wish to do would be to limit our resources to get new people in and new people as part of our group. I think that what we may be looking to is to try to do both. Seasoned executives, absolutely let's reach them. We had a great BC outreach call the other day, really good call, and we talked a lot about this about how to target people much more effectively and how to really bring them in to our close network. I think that's a strong play.

But then there are a number of young entrepreneurs who might come in through the fellowship. We might not even know them; we wouldn't have any way of knowing them. Let's - I say let's keep them both open and let's try to get the young energy as well as the more seasoned people. No loss, only good things.

Steve DelBianco: Great. All right we'll move on because we're going to run out of time on the deep dives like this. Sorry about that. The next item is there's a PDP working group in the GNSO on the review of RPMs, rights protection mechanisms, in all gTLDs. And Phil Corwin, one of our councilors, is a co-chair along with J. Scott Evans, another BC member. They have been seeking input for well over two weeks on several key questions for that PDP. It's the third attachment to the policy calendar. And we owe Phil and J. Scott the full support of the BC in trying to respond to that.

These questions require you as individuals, what's happening at Facebook for instance or Google, by opening a document and seeing whether you can respond with the information that they seek. This is not a policy position questionnaire, it's an experience questionnaire. So please, all of you with companies that are experienced with RPMs, open that document and let's get answers to Phil and J. Scott. Do you have anything to add on that?

Phil Corwin: Just thank you, Steve. And, you know, we're going to take all the input very seriously. This is a very long, complex two-part PDP. We will be spending through next summer reviewing the new TLD RPMs, trademark clearinghouse, claims notice, sunrise registration, URS. And we're starting with the PDDRP, which has never been used and we're trying to find out why it's never been used, whether it's a remedy in search of a problem or whether there's a problem with the remedy.

And after - in the second half of 2017 we'll be finalizing our report on phase one, and then early 2018 we'll be launching the first ever review of the UDRP so - and wrapping that up in 2019 or so. So this is a lifetime commitment. So anyway, we look forward to your input and we're going to take it very seriously. And we hope to finish this while we're still alive. Thank you.

Steve DelBianco: Thank you, Phil. Live and prosper. Susan?

Susan Kawaguchi:     We're not one and the same actually. So actually Andy and I volunteered to draft some comments on that, you know, responses. And Andy's done his portion and I'm working on mine. So hopefully we'll share that and then if anybody else has input they'd like to provide too. So we will get response from them.

Steve DelBianco:  Phil, what is the timeline in which you need a response to have it factor into the PDP?

Phil Corwin:     I must say, Steve, I don't remember what -- are you sure it's working now, yes -- I don't recall the ask by date in the letter but we can…

Susan Kawaguchi:     Well on your thing it says July 5.

Steve DelBianco:  So it's 5 July, and I'm wondering whether there's any flexibility on your part. So can I ask you as a co-chair would you check to see if there's any flexibility, if that can go any longer than 5 July? Thank you.

Phil Corwin:     Yes I think we're always flexible, Steve. The sooner the better, but I think if we get things in during July, you know, we're going to not ignore them if they come in a week or two late.

Steve DelBianco:  Another comment over here. Please introduce yourself.

Beth Allegretti:    Beth Allegretti from Fox. Susan, the comment that you're doing is that a BC comment or is that a company comment?

Susan Kawaguchi:     I really thought it was more a BC response. That way we could (unintelligible) but thank you. Susan Kawaguchi for the record. To me, if we all share in one of the common issues so once you see the draft if you have input then we can put them in for the BC.

Beth Allegretti:    All right. Thanks.

Susan Kawaguchi:     Does that make sense?

Beth Allegretti:     Yes. Okay thanks.

Steve DelBianco:  Thank you. Back to the policy calendar. The next item, Beth, this is one introduced into the policy calendar this time around at your request. You along with Geoff Noakes, with Susan, with Andrew Harris of Amazon, Alex Deacon sitting back there, are all members of another working group for a PDP on the next generation registration directory services, or RDS. You're also seeking input regarding possible requirements for answering a handful of questions as well. And this is an even longer list of questions.

Let me note, you're holding a public consultation today -- sorry, tomorrow -- from 5 to 6:30 in Hall A next to us on the next generation gTLD. Okay, my bad. I thought it was tomorrow. So today from 5 to 6:30 in the room next door. Is that correct? Thank you. And I jumped over the RPM. The RPM group, is that right, is the RPM group meeting today from 4:30 to 6 or is that tomorrow? RPM group, Phil, that's you.

Phil Corwin:     The RPM group, we're having a cross-community working group meeting on the RPMs this afternoon from 4:30 to 6 in Hall A next door. And then the actual meeting of the working group is bright and early 8 am Thursday morning right here in Hall B. So meet with the community this afternoon at 4:30 and conduct a working meeting of the working group first thing Thursday morning.

Steve DelBianco:  That's excellent. Thank you. So look, they can't both be in Hall A at the same time today. So either I had it right. Sorry.

Woman:          RDS is at…

Steve DelBianco: RDS is at 3 today in Hall A. So that would mean that from 3 to 6 o'clock BC members can actually cover two topics that are near and dear to our agenda in the room next door. And it would be great to be in there and support our members who are active on those two groups. Beth, is there anything else you wanted to add on the RDS group?

Beth Allegretti: Yes so we don't have to have comments. You know, there's going to be many outreach over the course of the working group, so some groups have provided no comments, some of had said there's a new document, some have said what you've got is fine, we're with you. So just to let you know, we'll go over it today in our meeting, but, you know, there'll be other chances for this.

Susan Kawaguchi: The only caveat -- Susan Kawaguchi for the record -- is there's definitely - I was reviewing the 800 or whatever, 150 pages of possible requirements that have been submitted, and I'm two-thirds through, and it's definitely slanted to the EWG report and then a lot of the article, you know, the 29, 18, all of these EU documents, which does not neither really addresses -- well maybe the EWG -- addressed the how an entity is treated when it comes to Whois data.

So if anybody has thoughts in mind on that, I know we're not supposed to deep dive here, but it would be helpful for those to be submitted to the RDS working group. So what we can't end up doing is conveying to entities individual privacy rights. And I think we have a lack of resources to spell that out for the working group.

Steve DelBianco: Great thank you. Chantelle's going to scroll up to channel two and I'll turn this over to Susan and Phil for a brief summary. You notice that I have in here a summary of your agenda, including the three votes you're going to take this Thursday at the council meeting. And again, this is an open meeting, so there's not - it's not as productive to get into a debate over your voting positions just now. And I'll leave you to do that over the list for the next three

days. But, Susan and Phil, are there any things that you'd like to highlight for the BC on your Thursday agenda?

Phil Corwin:     Just real quick. I don't think there's any showstoppers on this agenda. There is a vote, item five, the vote to form a drafting team to draw up an implementation plan for new GNSO powers and obligations. Staff just recently brought to council members' attention that the GNSO has extensive new duties and responsibilities and procedures under the accountability plan, and we're just beginning to grapple with that.

My one concern about that draft resolution which comes from the Intellectual Property Constituency is that it calls for an implementation plan be delivered by July 31, which given that people will not be getting home from this meeting till the first week in July I think is maybe overambitious and perhaps we should extend that to late August or first week of September to be more realistic given the time of this meeting and people being away for summer holidays.

Steve DelBianco:  (Unintelligible) Thank you, Phil. Steve DelBianco. As your representative on the CCWG who's designed that mechanism, it's the empowered community that Paul's talking about. And Paul has for several months been concerned that suddenly the empowered community recognizes each AC and SO as having a role in supporting or opposing the use of these new powers. And the ACs and SOs have the power.

And it's not altogether clear what role council plays in determining what GNSO is going to do when it has an opportunity to exercise the power to block a bylaw, the power to approve a change to the fundamental bylaws, et cetera. So it's a legitimate question and there's no presumption that it's either council or GNSO. And Paul's right we want to work that out, but by no means is it on a fast track.

The powers for the empowered community are extraordinary powers that are only invoked when it's clear that the board management have gone crosswise with the community. It's not likely to exercise those powers in the next couple of years, let alone the next couple of months. So I would be more relaxed about the timeframe and support of your point of view that this does not need a fast track on the part of Paul. If in fact this community started to come together and want to challenge the board on some decision in the next couple of months, we still have enough time to work out the process for how GNSO and GNSO Council come to the decision on whether they support or oppose the exercise of our powers. So you could be more relaxed on that timing.

Phil Corwin: Okay. And then on the other two votes -- and, Susan, feel free to chime in because I'm just getting focused on all of this. Of course the meeting is, what, Wednesday, the council meeting when all of this will be - vote to integrate PDP improvements. I have to look at the substance there but I don't think there's any controversy there. And the vote on the temporary term extension for the GNSO liaison to the GAC, I'm not sure why it's temporary. I think we've decided within council to make that a permanent role. We are looking for a new liaison to the GAC.

Susan Kawaguchi: The extension is just simply the keeping Mason on until we find a new one.

Phil Corwin: Anyway, those are the only voting items, and the - I don't see anything other particularly complex or controversial in the rest of the agenda for council but we have time to take - Susan and I have time to speak to BC members and take input between now and Wednesday.

Steve DelBianco: So thank you, Susan. And then next channel is channel three, which is the CSG, or Commercial Stakeholders Group. Cheryl Miller is our liaison to CSG, and an awful lot of the activities this week are regarding the CSG grouping here at ICANN. So Cheryl, I'll turn it over to you to talk to us about the highlights.

Cheryl Miller:      Sure thank you so much.

Phil Corwin:        I made a mistake. The council meeting's Thursday, so I just wanted to update everybody. Thanks.

Cheryl Miller:      Thank you so much, Steve. I want to remind people that there will be a CSG CPH leadership brownbag lunch that's going to be in this room, and that's going to take place on Wednesday from 12:30 to 1:30. We've had some great discussions with CSG leadership over some key issues that have sort of percolated, and I want to touch on those really quickly. I'm hoping that those will be the topic of discussion on Wednesday.

First, changes in the ICANN schedule is something that many people have expressed some issue and frustration with. And so the BC has actually drafted a letter addressing that and we're hoping that others within the CSG will also be able to join that letter as well. And that will be one of the topics of discussion.

With respect to the different changes in the GNSO, there are - we're hoping to focus on guiding GNSO into a new era. We had a good discussion with respect to the post-implementation working group that could possibly look at how the GNSO would respond to new roles and responsibilities and perhaps help the entire GNSO community with implementation matters, and so that's one topic of discussion.

And also the GNSO GAC liaison reform was another topic that we spent some time discussing. And so that will be another issue hopefully that will be discussed. I don't want to dive too far in; I know we don't have a lot of time, so I'll stop there. I don't know if you had anything you wanted to add, Steve, or if anyone had anything to add or any comments or questions on that.

Chris Wilson:       This is Chris. Just real quick, I think that meeting, the lunch meeting, is that going to be in this room? (Unintelligible) Because if it is in this room I think we

can allow other folks from the constituencies and so forth to attend and observe the meeting. Before we were initially scheduling it, we weren't sure what size room we were going to have and it - we were concerned that we were going to have very limited space.

But if Chantelle can confirm that it's in this room then I think I want others than from the BC to attend if they're interested in observing a lunch discussion, because I think there's plenty - there'll be plenty of space. And I'll notify other CSG folks to that because I think there's enough space. Chantelle, are you still confirming? Okay. Why don't you go ahead. We'll let her to do that. That's all I had on that particular issue.

Cheryl Miller:     Are there any other questions or any comments?

Marilyn Cade:     I just have a quick question. Are you in your CSG discussions, or course we have a preliminary discussion between the designated representatives from each of the three constituencies plus similar representatives that will begin to address procedures for the board election. But are you also discussing the procedures for the selection of the designated representatives to the various working groups in the CSG discussion?

Cheryl Miller:     That did come up on our call and I do think that - we're hoping that we're going to be able to cover that as well. So thank you for raising that.

Marilyn Cade:     Just to follow up quickly, it's Marilyn, because I believe a really important issue for us is that issue of more than one representative. So if I could just put a plea in that we go back to the well on this issue of it's very, very difficult to have - for us to be forced to choose just one representative across three very diverse constituencies to go in to those working groups.

Cheryl Miller:     Thanks, Marilyn. Was there any - does anyone else have any questions on that? Okay thanks.

Steve DelBianco:  Thanks, Cheryl. There's only two other items on the policy calendar, and we're pretty much on track. Go right ahead, sorry.

Chris Wilson:  Did you mention the 8 am, the CSG open meeting on - there's a CSG open meeting at 8:00 am on Wednesday morning as well and that is an open meeting. And Chantelle can confirm again exact location for that. And that's just the CSG - that's in Hall B. So please put that on your calendar. I think we sent that around early before we all left for Helsinki, but just a reminder that on Wednesday morning from 8 to 9 we'll have a CSG open meeting. And the agenda was circulated as well to the BC private list serve, so I ask you to look back in that and refer to that. So.

Steve DelBianco:  Thanks, Chris. So it's Steve DelBianco to just wrap up on the policy calendar. There were only two other items on there. One was the RSEP analysis, and the BC has been a persistent and principled commenter on RSEPs over the past several years. And when Denise Michel joined the BC one of the things that she's been able to pursue equally persistently is this notion of whether staff is adequately considering and responding to the comments the BC makes RSEPs.

We've gone back and forth with the staff a few times and have actually made some progress in terms of understanding the data about RSEPs, understanding their response to our specific comment, for instance on the xyz.com and why the legal questions weren't addressed. And then Denise has also been articulate with staff about understanding more about the follow up RSEPs and commentary that's been done. So I wondered, Denise, if you can confine it to just a minute give us a quick update on where we are in terms of that dialogue with staff. Thank you.

Denise Michel:  We have no update at this point. So it's been about four months since we asked for data analysis on the RSEP program, really just broadly asking for that, simply data analysis on the various aspects of a ten-year program that hasn't been reviewed since it's started. And there's been an exponential of

course increase in both RSEP requests as well as gTLD registries. So we're still waiting in particular for the data analysis on public comments for RSEP.

Steve DelBianco: Denise, do we need executive committee or secretariat to do any further outreach or are we doing direct inquiries with staff right now?

Denise Michel: So following up on the conference call we held on this, we sent staff a reminder of our written request, so if we have an opportunity to touch base with them this week, we'll see where their response stands and then we may need to send another correspondence. And this was an initial request actually to the board at the beginning of March in our face-to-face meeting so we should probably keep the board apprised of progress on this as well.

Steve DelBianco: Yes it's unfortunate I have to copy up the chain, but there's a definite tension in that conference call between the BC's request and what staff thinks we're asking about. It might be a misunderstanding. I don't know what it can be. But you're right, we're going to have to be persistent and potentially copy further up the chain. Thanks for your hard work on that, Denise.

The only other item is the IANA transition and accountability. On your policy calendar there I've recapped some of the events of the last four or five weeks. There's been a lot happening. And Phil Corwin always circulates to the BC list the very latest pieces of legislation. Suffice it to say that there are barriers being suggested by some in the U.S. Congress to either the September 30 expiration of IANA or potentially the conditions around IANA analysis of the transition on the part of NTIA.

I've summarized for you some of the key elements there and I would suggest that things still look good for the community's proposal to be accepted and to become adopted. The timing could be somewhat flexible. It may not be September 30. It might even be a month or two later in the sense that it may take a little extra time to get some of these things implemented. And I believe that, as your representative from the BC but more important as my role as

NetChoice, have been on the Hill and been very active about explaining the contours of our proposals such that it addresses concerns that are raised by well-meaning members of Congress and their staff.

And I do think that our proposal holds up very well under scrutiny when a particular member of Congress is worried about freedom of expression, is worried about a failsafe measure in case ICANN were to go off the rails. And it's amazing to me that when you dive into our hundreds of pages of bylaws and analysis, you can often condense it into a word or two.

But frankly as I told to several senators, if ICANN went off the rails the naming community, the numbering community, and the protocol community under the new arrangements, can take their toys and go home. And that's the ultimate way to say that a captured ICANN wouldn't be in a position to interfere with the operation of the DNS. So are there any questions from members of the BC with respect to this last bit?

I want to acknowledge that several of you were very helpful yesterday in an all-day session on the cross-community working group Workstream 2. And at the end of that day, 5 o'clock yesterday, just at jet lag was kicking into high gear we discussed a dilemma that the next accountability and transparency review is supposed to start in January but it has a significant overlap with six of the nine projects under Workstream 2 that deal with accountability and transparency.

At the end of that session, Bruce Tonkin, a board member, came up with a rather innovative solution to that and it's similar to what I've explained to you before, the notion that Workstream 2 has more leverage, more energy and is more open. So Workstream 2 ought to handle the accountability items. An ATRT can just look at the implementation of its previous recommendations. So we are going to put together a proposal over the next couple of days. We'll circulate it to the BC and we'll send it the board.

And it would arrange for somewhat of a hybrid for this particular ATRT cycle. The next cycle of ATRT is five years into the future, but this particular one overlaps and potentially conflicts in terms of volunteer fatigue and topics with what's in Workstream 2. Any questions? I see Andy?

Andy Mack: Sure. My apologies to the community. I was supposed to be there for the human rights discussion. Unfortunately FAS didn't - the airplane rides didn't work out very well. I was stuck in Copenhagen for seven hours. I'm wondering, for those of us who want to stay involved in those, is there a particular program for us to do that or a particular best way on behalf of the BC to get involved in some of those Workstream 2 topics?

Steve DelBianco: Yes I've been extremely explicit in that in each of the last three policy calendars and circulated to the BC the process by which you click on the link I sent you so that you can indicate whether you want to be a participant or an observer on Workstream 2. Yesterday's meeting would have a been a great one and I realize you couldn't make it, but you can still get in. We only barely got started yesterday. There's plenty of time. With the level of interest on human rights for interest, there's plenty of time to get involved on that.

In the last 15 hours or so, a number of individuals are putting forth their name to be a rapporteur for those little subgroups, those nine subgroups. I yesterday did a presentation on SO/AC accountability with an inclination of how I think that it might be handled. And I may well join Cheryl Langdon-Orr as a rapporteur for that one. But BC members were active yesterday and I fully invite you to participate in the Workstream 2. I'd probably be a year to a year and half. It will be a significant workload, and all the meetings are very open. So you have to count on a lot of discussion.

I have Jimson and then Marilyn.

Jimson Olufuye: Yes this is Jimson Olufuye. I want to use the opportunity to appreciate Steve for that robust testimony at the U.S. Congress. After that there's been a

number of challenges to the plan. I'd like to ask you what kind of major risk do you foresee in painting these targets and what can we do so we can get it?

Steve DelBianco:     Thank you, Jimson. The major risk would be that anything more than a few months of delay would probably create a tremendous frustration on the part of the community that having done all the work and met the conditions of NTIA only to see that it's been derailed. It would also make the IANA role a lot more important than we've been saying it is.

And I think that only increases the likelihood that the United Nations and ITU and others would tend to say well if it's that important that the U.S. has decided not to do the transition, well then it's all the more important that the United Nations and not a single government be in a position of holding that contract. So it completely frustrates where we've been going on that.

I believe the right way to manage it is to be thoughtful and respectful when someone raises a concern. You can't realistically expect a senator or congressman or staffer to truly understand all this context. So we have to listen patiently and if they raise a concern over censorship we have to carefully explain why that's really not a factor there. We have effectively prevented censorship from creeping into the root. So it's a thoughtful series of explanations.

And so, Jimson, thank you for offering and if I determine that - if any of us determine that a particular member of Congress would benefit from hearing from anyone on the BC, we'll put out the call and see if anybody wants to get involved. Marilyn?

Marilyn Cade:     Thank you. Marilyn Cade speaking. Let me follow up on Jimson's comment. While I was at the WISIS forum, several developing country ministers asked to meet with me to talk about the business community's support to the transition. I was a high level track facilitator so I had direct access to many of the senior governments.

I think we should continue to talk, Steve, about the visibility of the private sector, the business community support for the work that's been done, why we believe the safeguards are adequate and also understand that for business in particular the risk is there for a proposal from a few governments but some very strong opinions held by those governments to point to this as a failure if the transition does not happen in a timely manner.

And I'm not talking about it having to be September 30, but if the transition does not happen, I think there is a very strong door being opened to revisit the support of this particular model. And I'm not talking about multi-stakeholder overall but the model we - yes.

Steve DelBianco: I almost wish you hadn't said that because if verifies my worst fears, and that's part of what I said at the hearing as well. So seeing no other questions, I'm going to turn it back over to Chris.

Chris Wilson: Thank you, Steve. And we've just got a few minutes to go. I want to quickly turn to Jimson with regard to BC budget issue and then we'll wrap up. Jimson?

Jimson Olufuye: Okay. Thank you, Chris. This is Jimson. Well April 27 I did send to the list a budget proposal for FY '17 and on the 24th sent an updated proposal, and also yesterday a final proposal was sent to everyone. So I believe we've all gone through. So I don't know if there's any objection, any objection to the proposal, the BC FY '17 budget.

Chris Wilson: Jimson circulated the budget, the FY '17 budget proposal according to the most recent draft I guess was sent yesterday. So if there are any objections now to submitting it, please raise your hand if you're a BC member. If not, I think we can go ahead and submit it. I know we've seen various iterations of it. You know, there shouldn't be - it's shouldn't be too many surprises in there.

You know, if there any concerns right now, please raise your hand. Okay seeing none, then Jimson I think we can go ahead and submit it. All right?

Jimson Olufuye: Okay thank you.

Chris Wilson: Let me take this chance also to thank Jimson and Chantelle as well for their hard work on the BC newsletter. For those who are in the room, you should see them. It's a great insight into what the BC does. And thank you for doing that. It's an important part of our outreach and I really do appreciate that.

Okay just real quick, any other business, just a couple other issues. First and foremost, the next BC meeting will be on Thursday July 14 during our normal timeframe from 11 to 12 Eastern Time on the 14th of July. Hopefully that'll give people enough time to get back from Helsinki and reassess all the work we're doing and then we'll have a chat on the 14th.

Also note that - well actually that's…

Steve DelBianco: I wanted to note that the 14th of July is the Internet Governance Forum USA. And I realize that's only of relevance to the USA or North Americans in the room but it's a pretty busy day.

Chris Wilson: Actually you're right. And I think I usually recognize that. So actually I'll tell you what we'll do, we'll do the next meeting maybe work on the 21st. We'll just go another week later. So Thursday the 21st will be the next BC meeting call. Prior to that however on July 19, Tuesday July 19, as we've noted on e-mail, we'll do a specific call with regards to updating of the BC's charter. Andy Abrams has - and I have circulated the most recent draft for everybody.

I know John Berard has sent a comment in to the list, the full list, for consideration. I asked people to take a look at John's e-mail and of course take a look at the updated charter and application form if you haven't already. This is an important part of the work of the BC to update this. It's been a

year's long process. And ideally we like to get thumbs up, thumbs down on July 19 from BC members so we can then continue on the process that ICANN has laid out for updating charters.

So just a reminder on July 19 12 Eastern Time, 9 o'clock Pacific Time we'll have a call devoted to that. So if there are concerns on the charter for BC members, please don't necessarily wait till the 19th, e-mail the list and raise those concerns, as John has done, to everybody so we can start working on those even prior to the 19th. Of course if you want to wait until the 19th you can do so. But I just wanted to flag that for people - for BC members to know that we'll have that call. Marilyn?

Marilyn Cade: Thanks, Chris. Marilyn Cade. My comment is not about the charter. I appreciate all the work that everyone has been doing. My comment it about the next BC meeting and I request I'd like you and the officers to consider. Since we were not able to have our usual closed face-to-face meeting of the CSG with the two board members, Bruce and Markus, I wonder if you might consider reaching out to them while you're here and perhaps we could extend the meeting on the 21st to have a special segment of discussion with the two board members.

Particularly important I think are some of the new committees that have been created. There's a new board committee on Internet governance. Markus is the chair of that. So that's the first point. The second point is I'd just like to flag a post that I made to the BC private about the CCWG meeting tomorrow, the Internet governance meeting tomorrow. I am the member from the CSG but there are several BC members who are there as observers or participants.

I think it's really important for you to be aware of the fact that the new CEO will be with that community working group for the first 30 minutes, and it may be a good opportunity even though there are other important things going on. So I'd just like to flag that.

Chris Wilson:     Thank you, Marilyn. And I will - yes the CCWG IG meeting is tomorrow. To your first point regarding reaching out to Bruce and Markus, I'm happy to do it and see if we can add even a half hour on to our call on the 21st to get their input, insight on what's going on. John?

John Berard:     Thank you, Chris. John Berard. I would suggest because it's no secret that we make it threesome and have Becky join us if we're going to do that as well.

Chris Wilson:     That's a good point, yes. Obviously Becky will be replacing Bruce on the board so it makes perfect sense to have her too. So that's - thank you, John. We'll add that. Any other quick thoughts on those issues? If not, we'll quickly turn real fast to a couple of other housekeeping issues.

I think I mentioned on a previous BC meeting that Göran Marby was going to have a conversation with myself, Jimson, and Steve. That was supposed to occur earlier this month. The call had to be cancelled due to his scheduling conflict. We're now scheduled to meet with him on Wednesday here in Helsinki. I think it's 3:30 to 4. So I just wanted to give you all an update on that.

And then I think Denise raised a point on the previous call about acknowledging to him that there should be other outreach to the broader business community rather than just the leadership. I made that point yesterday in a leadership discussion roundtable with Göran and made that exact point, and he was open to it. And I think he wants to continue dialogue with the community at large, certainly in the business community as well. So I expect we'll have further opportunities to engage not just on the leadership level but also through the broader business community, business BC engagement. So I just wanted folks to know that.

Lastly, yesterday you probably heard, some of those who attended to the GNSO meeting today probably heard this for discussion but yesterday, midday yesterday I received an e-mail from Bruce Tonkin. It was sent to the chairs of the commercial stakeholder group constituencies as well as the registry/registrar stakeholder groups, noncommercial users, et cetera, GAC, ALAC, seeking a meeting today at 3 o'clock to discuss - I guess the impetus of the discussion was an IPC letter to the board in regard to clarification on ICANN's mission with respect to the public interest commitments for the new gTLDs.

Bruce sent an e-mail out to everyone yesterday late yesterday morning, which I received when I landed, asking for this meeting. He limited it to two reps per constituency per group in the interest space, because it was going to be in a smaller room. So I'm going to be attending along with Steve. I asked Steve to attend in light of his expertise on all of this and his work on - as far as the BC is concerned on all policy members.

And also I asked Denise to attend if she could attend because of her expertise with ICANN generally and also I asked her and she's agreed to be a rapporteur for the whole BC and report back to the BC on what is discussed, because it is a closed meeting. However, I do know that Bruce mentioned that it's going to be recorded and there will be a transcript available. So at least at a minimum you can see what is discussed during that meeting via the recording and the transcript.

I still thought it would be nice to have Denise there to provide sort of the BC eyes and perspective on what will be discussed as well. So that's today at 3 o'clock. Obviously I'm happy to answer questions folks may have about that. Ideally this is - I wish there would have been a better opportunity to do a more fulsome process of reaching out to BC but it was sent to me yesterday. Quite frankly I had just arrived and landed. Time was tight. I thought it was good to just go ahead and just get our names in the queue with Bruce. And I think -- I

hope no one would disagree -- but I think Steve's a great person to have in that room. So, Marilyn?

Marilyn Cade: So fully support the approach you've taken, but I don't quite understand the topic. So two things, I'd like you to just clarify please again the topic and since we haven't had a chance to have a member consultation, perhaps we could ask you to make this a two-step process so that you could come back after - with the team you're taking in we could all see the transcripts before we have a final BC position. But can you clarify the topic again?

Steve DelBianco: Thanks, Chris. Marilyn, let me just read what Bruce wrote. And we all know Bruce Tonkin. He said the board wants to enable a dialogue with interested stakeholders regarding the scope of ICANN's responsibilities and remit with respect to matters such as abuse, illegal activity, distribution of malware, abusively operating bot nets, phishing, piracy trademark, copyright infringement, fraudulent and deceptive practices, counterfeiting and similar matters, and to facilitate a clear understanding among the community of the key provisions in ICANN's contracts that refer to these matters and the scope of ICANN's enforcement on those provisions. Very frequent topics for the BC. We bring it up at almost every CSG board meeting.

Marilyn Cade: So I just have -- it's Marilyn -- I just have a quick follow up. I do really support the approach you're taking with inviting Denise and Steve, but am I going to flag that in many ways this is an SSR issue, that it's, you know, yes ICANN has a contract enforcement responsibility but we as business users have concern about the - their failure to enforce the contract when it threatens the security, stability and resiliency. So I think it's particularly important that we come back as the full BC and look at it from the perspective of our past positions on SSR because we have a number of companies who are business members, who are business constituency members who have particular expertise in that particular are as well.

Chris Wilson: That's an excellent point, Marilyn. And we certainly would provide that input going forward. So we'll see how today's meeting goes and that'll dictate to some extent how - I think that the expectation is that this meeting is meant to kick off further discussions. I think it will also take place in India, yes in ICANN 57. So. But I wanted to make people aware of what the dynamics there so everyone was clear what was occurring. And of course I'm available at any time for people to reach out to me today, tomorrow while we're here to talk about this as well and what's transpiring.

So with that I think we're wrapping up. I know GNSO's coming back in. So I thank you all very much for attending and I look forward to seeing you all further in Helsinki. Thank you.

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