
MARRAKECH – GNSO - BC Open Session
Wednesday, June 26, 2019 – 17:00 to 18:30 WET
ICANN65 | Marrakech, Morocco

UNIDENTIFIED MALE: It is Wednesday, June 26 2019 at ICANN 65 in Marrakech. This is the GNSO BC Open Session at 17:00 in hall Tichka.

CLAUDIA SELLI: Thank you very much, everybody. Andrea, whenever you are ready, we can start the meeting.

UNIDENTIFIED FEMALE: This meeting is being recorded.

CLAUDIA SELLI: Thank you very much, everyone, and welcome to the BC Open Meeting. I would suggest that we start with a round of introductions and then we can go into the agenda. So I'm Claudia Selli with AT&T. Barbara?

BARBARA WARNER: Barbara Warner with the U.S. Council for International Business.

MARGIE MILAM: Margie Milam with Facebook.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

SUSAN KAWAGUCHI: Susan Kawaguchi, BC.

ALEX DEACON: Hi, I'm Alex Deacon representing the Motion Picture Association of America.

MARK DATYSGELD: I'm Mark Datysgeld with Governance Primer.

MASON COLE: Mason Cole with the Law Firm of Perkins Coie.

ZAK MUSCOVITCH: Zack Muscovitch, Internet Commerce Association.

ANDREW MACK: Andrew Mack, AMGlobal.

UNIDENTIFIED MALE: My name is [inaudible] from Ghana.

MARIE PATTULLO: Sorry. Marie Pattullo from AIM – The European Brands Association.

UNIDENTIFIED MALE: [Inaudible], [Security] Consul, Ghana.

ANDREA GLANDON: Andrea Glandon, Secretary of Support, and there's also an attendance sheet going around so please make sure that you sign in. Thank you.

JUDITH SAMANTHA FEZEU: Judith Samantha Fezeu from Cameroon, IP Attorney.

[SOFIA]: [Sofia] [inaudible] from Libya.

STEPHANIE DUCHESNEAU: Stephanie Duchesneau with Google.

STATTON HAMMOCK: Statton Hammock with MarkMonitor.

TIM SMITH: Hi. Tim Smith, Canadian International Pharmacy Association.

SCOTT MCCORMICK: Scott McCormick, HackerOne.

DENISE MICHEL: Denise Michel, Facebook.

[MARCOS]: Marcos [inaudible], [inaudible] Technologies.

[ARIEL]: Ariel [inaudible], Digicel Limited.

[LAKIN]: [Lakin] [inaudible] from Diamond Security Consulting in [inaudible].

PAOLO ROQUE: Paolo Roque from the Brazilian Software Association.

JIMSON OLUFUYE: Yeah. Jimson Olufuye, Contemporary [inaudible] Nigeria.

STEVE DELBIANCO: Steve DelBianco with Net Choice and the Policy Coordinator. I do want to invite any BC member. Please come up to the table. It's so much more comfortable than putting your laptop on your lap.

CLAUDIA SELLI: Indeed. So as you can see also from the agenda, we're going to have at 5:10, a discussion with Brian Cute who is going to join us to discuss the evolving ICANN multistakeholder model. We have still a few minutes.

Maybe Steve, I don't know if you want to start with the policy discussion, maybe the first items, and then we can recess after the discussion we have with Brian Cute. And maybe Andrea, I don't know if you can put up the policy calendar. Thank you.

STEVE DELBIANCO: Andrea, do you have the PDF that you can display in the Zoom room? Wonderful. Thank you.

Brian's here so I think that we'll go back to Claudia.

CLAUDIA SELLI: Indeed. Welcome, Brian and Elsa. Welcome. Good, and you?

BRIAN CUTE: Very well, thanks. Will we share a mic?

CLAUDIA SELLI: Of course. So thank you very much, Brian, for being with us today. I think we are putting up the slides probably and then we can start with your presentation.

STEVE DELBIANCO: Welcome, Brian. How many folks in the room attended the evolving multistakeholder model session in the GAC room yesterday, just to get an idea? Brian, it looks like about half and you'll probably also understand that the BC has been very active on the ATRTs in the past, but we were particularly active on the IANA Transition and the CCWG. Most of the BC proposals are the ones that made it in to the accountability framework that was adopted by the Board, things like bringing the reviews into the bylaws instead of the affirmation of commitments, challenges, creating a judiciary for ICANN.

So the BC is very keenly tuned in to all of the CCWG improvements, including that batch of stuff known as Work Stream 2. Heard about that? So with all that out there, the BC will be real keen to understand the interplay between some of the ideas that you've heard from the community on and how those solutions might duplicate or even conflict. Thank you.

CLAUDIA SELLI: The floor is yours.

BRIAN CUTE:

Thank you, and thank you for that prompt, Steven. I want to do two things at the outset. First, acknowledge your point and it is central to how we move forward with this work because we don't want to create duplication of effort or even conflict, and I'll come back to that.

Secondly, just to say for those who attended yesterday, thank you. I apologize that it was so hot and that it was so late and that I was so low energy because that didn't help. I had a touch of something the other night and I just couldn't help lift, so I appreciate you sitting through that. And I know that the conversation meandered a bit, and that's okay because in my view, we were beginning a conversation about who should take on a task, and that isn't always necessarily clear. The important thing was to start that conversation because that's where we are in this step of the process.

So what I want to do now is kind of walk through. Let's go back to the beginning. Where did this come from? Why is this a priority? Where are we in this process right now? Where are we going from here? And I'll try to use an example, and hopefully, that provides more clarity than I could offer yesterday and then we can dig in.

So again, this is ICANN’s strategic plan for 2020 to 2025, and the piece that I’ve been asked to facilitate is the development of Strategic Objective #2 on governance, which is “How do we evolve the multistakeholder model so that it can continue to perform for ICANN and for the Internet in a way where it works more effectively and more efficiently?” So that’s the work to be done, and on a screen in any, starting with a strategic plan and then moving to an operating plan, and then through execution and delivery of goals, this is all part of that big process.

So within Objective #2 of the strategic plan on governance, there are three specific goals. Those have been informed by input from all members of the community and the way I would characterize that input is common, shared pain points, inefficiencies, some ineffectiveness in how we got our work done, how we make decisions, how we develop policy.

And the observation that I’ve offered and I’ll offer again is what’s interesting is that it’s irrespective of the stakeholder group or the advocacy point of view. The community, broadly, is defining the same points the same way. So that can mean two things, that there are some specific things that can be addressed to make our decision making, our policy work, our work in whole more effective and efficient, and it also means it’s an opportunity. We don’t have disagreement on where we start.

So where we are in this, this is the development of a work plan. So if you're going to run a project, you need to know who owns a task, who's going to take on delivering, in this case, a solution, an approach or a methodology that can address one of the pain points, address one of the issues. So who's going to take on that task? When are they going to deliver? And what do they need to deliver? It's really that basic. It's a work plan to capture those inputs.

And that's where we are in this process. So this process is two phases. The first was let's identify the issues that the community believes are causing ineffectiveness or inefficiency in how we get our work done at ICANN. We went through that process dialogue at ICANN 63 between the Board and community in open session in Kobe, invited input on the 18 issues at [inaudible] in Barcelona, came out with 21, put those out for public comment. Let's define the issue with specificity and what do you think about prioritization and grouping of those topics?

So we've just finished the issue identification part of the process and now we're turning toward the work plan. And once we have our issues identified, the next logical step in filling in these boxes, and can we go to the next slide? So we have our issues in this column. The next step of the process is who's going to take on this task? Who's going to own or be accountable to develop a solution or an approach that can address prioritization of the

work, for example? That's the conversation we started yesterday.

Once you get through that in basic project planning, once you know who's going to take on the task, then you say, "Okay, when can you deliver by?" or "We need you to deliver by X." The next step is "When can you deliver?" Once the owners are identified, then the conversation turns to that, and then to what resources do you need.

And where this piece goes from there is it goes into the operating plan, the five-year operating plan. And you've heard [Cherine] say that the operating plan is going to be fully costed and that's a first for ICANN. So the strategic plan is a priority. The operating plan is going to be fully costed. This is healthy pre-planning of work, and this work plan becomes a part of the operating plan. That then will go out for public comment.

So this is where we are in the process. This is beginning the conversation of who do we think is the appropriate entity. Is it a specific AC? Is it a specific SO? Is it the community as a whole? Is it the Board? Or is it ICANN Org that should take an issue, and as a task, develop a solution to deliver at some point in the five-year timeframe, the strategic plan to propose to the community as a solution, as an approach, as a working method that can help us get our work done more effectively and efficiently.

An example that came out of yesterday's conversation as a possibility was, "Let's use prioritization of the work as an example." Now can we go to the next slide?

So this is just one quote from a lot of community input, but I think it really captures the essence of what the community was saying at At-Large. Without prioritization, ICANN Org and the ICANN community will continue to try to do everything all at once, each valued with the same sense of urgency. This is not sustainable.

Much more comment on this, but I think this gets to an essence of the problem. I also heard we have too many work streams, we keep adding work streams, our resources are being pulled too thin. We have to assign members of our stakeholder group to all these work streams that reduces our resources and get our own work done. Certain work streams go on forever. Certain work streams lose members or participants who are gravitating to the new work streams. There's no mechanism to say no to initiating new work streams. This is really the problem that's been defined broadly.

So in prioritization of work and the conversation yesterday, getting back to the step of this process, so if that is an issue that has been identified, we need to develop an approach, a solution to prioritization of work that helps us be more effective and

more efficient. So who should take on that task? What surfaced in conversation? A suggestion. It's not in stone. Perhaps it can't be the Board. The Board doesn't set the priorities. It should be the community. If so, who? Could it be the AC and SO chairs as a group? It could be. Could they take on that task of developing an approach to prioritization of the work of ICANN as a whole? This is not to disturb the prioritization work that individual SOs or ACs do for their own work, but would that be the right group to take on the task of developing a solution?

That's an example of what emerged yesterday that begins to answer the question of who should take on this issue and develop a solution? So that's where we are in the process. That's as far as we've gotten. I am going to put this out for public comment. We need to hear on the issue of ownership, and also, as I said, open to do we further prioritize this list? Are there issues that come off because there's other work going on or there's other tools that's been developed that can be used as a solution across the community?

So this goes out for public comment asking those questions and we'll get through the ownership question and then move toward what date in the five-year timeframe could a solution be delivered? And what resources do you need? So that's where we are. That's a lot. I'm sorry. I hope it was clear.

STEVE DELBIANCO: Thanks, Brian. So this is just one example of an issue and the notion of who is accountable, those same five suggestions would be next to each of the issues?

And two things. When we introduced you, I suggested that the question of “Who is accountable?” might be moot if it’s an issue that’s already being worked by DRT or Work Stream 2 because in that case, it’s already been assigned. So we can perhaps take one-third of the issues off of the table if we’re creative, and that exercise, then, should occur before one puts out for public comment who to assign the issue to, since if we discover that it’s covered by work stream 2, item 9 or ATRT has it in the bylaws dictated subject matter that they’re supposed to deal with, then we don’t have to ask the community who owns it. It’s already owned. So would that, cart before the horse, maybe?

BRIAN CUTE: If that’s the case, I’ll use precision of scope in the work as an issue, if that’s the case. It’s clear that PDP 3.0 has taken on for the work of the GNSO, precision and scope in their work in developing PDPs. That’s excellent. Is that the tool that’s going to work for the rest of the community, other stakeholder groups or across the community? Precision and scoping the work is important for all the work that we do, so that still leaves an open

question and yes, that may be the tool. It's not yet developed, so I use that as an example in response to your question.

STEVE DELBIANCO:

And I would suggest a new column in the sheet before you put it out for public comment. And the column indicates potential existing owner, potential existing owner, where you would indicate Work Stream 2, number 9. You might indicate ATRT3. You might indicate PDP. So if that's there, it might make it so that there's no need to address the who for some of them. I didn't mean for all.

And then as you ask the community who should be the owner, or owners, plural, I know how you think. You're very methodical so there ought to be a way to go through the analysis of who. It's usually based on who cares the most, who has the resources, who will do the work to get it done. And when you look at one on prioritization, if it's the work of the ACs and SOs, then naturally, the AC and SOs ought to be the owners. It shouldn't be the Board and Org telling the community because you have to do the work, so it would welcome, when it goes for public comment, that we have some method of analyzing a given issue against the five potential owners so we pick the right owner.

BRIAN CUTE:

And I think prioritization is a great example because everyone agrees the Board should not be setting the priorities. That's clear. I think for some of these issues, it's not going to be as crystal clear. And so I think a suggested methodology of how you approach that could be helpful. But one observation on the comments is that it's clear through all the comments that there really isn't a shared, clear understanding of the respective roles and responsibilities of the three respective bodies, not as full and not as clear as we would hope despite all of the great work that's been done to date, IANA Transition and prior.

And I'll reflect this back. A lot of that work focused on accountability checks, right? And defining roles and responsibility through that lens. The heart of this effort in the strategic plan is how do we get our work done better, more effectively and more efficiently? So looking through the lens of how the three might work together within their respective roles and responsibilities to produce work in a timely fashion, to shift the culture to a more proactive culture as opposed to a reactive culture, better quality work. I think that's a helpful lens, and I really think that's the spirit of where the community wants to go.

CLAUDIA SELLI:

Thank you, and I just wanted to check also if other members have questions or comments for Brian. Mark?

MARK DATYSGELD: Thank you for bringing for us, Brian. I had the pleasure of helping organize the comment of the constituency and I mentioned this briefly yesterday but I want to go a little deeper into this matter.

I do think that there is a bit of a concern from our part, I would say, and maybe some other constituencies that wrote very extensive comments on this phase that we are sort of coming up with some solutions and there is a natural kind of flow to this that the constituencies are ready to offer solutions. They are. We have come up, as a group, with what I think is a pretty solid, pretty consistent group of good ideas that may not be the final idea but would help steer the conversation in that way, so what I wonder in this case is judging from this public comment, don't you think there is some basis to start building a framework around that and say, "Hey, the community is kind of ready to tackle these problems, or at least, analyzing if, okay, this is a good set of solutions. They would have to be better." Isn't that a place to start from, considering that that input is already there. That's kind of where I'm trying to go with this.

BRIAN CUTE: Thank you for that, and yes, as a short answer. I agree. I'll pick up on Steve's suggestion about having in the public comment

period, a column about here's a current owner or a solution is being developed by this or work is going to be underway. I think that's important to how we sift through this and come up with the right list of issues and then assign tasks. I will tell you that I have purposefully, I have gone through all the comments. It's a staff report but I felt it was important in my role in facilitating this conversation, that I go through and I have sifted and organized and have seen them.

I have kept proposed solutions out of view of this work only so far for the purpose of keeping people focused on defining the problem because everyone wants to jump to solution. It's really important to define the problem first and so I have those solutions. I can put them into the request for public comment so that it's clear what's being done and who's taken on, and it can be factored in. So I wholeheartedly agree. I just want you to know that it's been purposeful by me so far in the process. The process has been focused on define the problem, define the issue, and solutions in that context, they can be a bit of a distraction from getting to the heart. And I still think that some of these issues, as you will read through them, may not have all the specificity and clarity that they need, right? And how can you design a solution if one is needed if the problem is not clearly defined?

So thank you. Yes, they will play a very useful role in the call for public comments and that's why you haven't seen me reflect them back yet.

STEVE DELBIANCO: Brian, to follow-up on Mark's point, I understand that they wouldn't be reflected but they also shouldn't be discarded and our worry is that when and if the owner is selected, that the owner has the full benefit of things that were specifically laid out in the comments that came in. And if there were a column on the sheet that said "suggested solutions", if there were and they would be shorthand, they might actually guide the community to decide who should be accountable if the solution is one that fits really neatly with the Org, Board, community, or ACs and SOs.

BRIAN CUTE: Absolutely. And as importantly, they could be solutions that short track this work. Yeah, absolutely, because we are looking for efficiencies here as well. Thank you.

CLAUDIA SELLI: Other members that want to jump in or have questions?

STEVE DELBIANCO: Marilyn.

CLAUDIA SELLI: I don't see her. Marilyn, sorry.

MARILYN CADE: Thank you, Claudia, and my apologies for coming in a few minutes late. I am a BC member and yesterday, Brian, I made a comment during the open discussion, and I'd like to go back to it if we might because one of my observations, and I really appreciate the fact that you did read all of the comments. Regrettably, so did I and I do think the staff reports and the support's very, very useful but I applaud the fact that you took the time, and really, the diligence to do that. Thank you for that.

But one of my observations is that sort of we're talking about evolving ICANN's multistakeholder work plan, but I found as I was looking at the version, kind of the boiled up version, if I could say that right, that we were kind of missing what I would think of as an essential environmental issue, and that is this all needs to be done in the context of the fact that ICANN is a not-for-profit public service corporation.

So just saying that we've improved transparency by counting more or publishing more, etc., I'm not sure that really gets us to some of the real challenges that underlie how we must do it and

the unique environment we must do it in, in order to protect the reputational performance of the organization, limit risk to it, because we can tick all of these boxes but if we're perceived as not fulfilling the obligation to act with the highest integrity in how we do it, then just because we doubled the participation won't actually get us to the kind of international acceptance that we need to continue to build. Sorry for my long lecture here, but I wondered if you had a chance to think about what I raised.

BRIAN CUTE:

Yeah. I remember. Thank you for that and the essence of what you were saying yesterday was the quality of developing solutions or approaches so that they are, in fact, hitting the bar you described and I would say if implemented, not just ticking a box, but having a positive effect that's observable. Is that a good capture?

MARILYN CADE:

Not quite. We can come back to it, but it's sort of like in order for the business community to find value in ICANN, because we are very dependent for ICANN's survival, not just on financial resources that come in, collected from the registrants funneled through the registrar, through the contracted parties. But we're very dependent on the fact that the most influential group,

stakeholder group, with governments is the private sector at a country level, at a regional level, at a global level.

And so if the perception is that there are challenges to the integrity, either the integrity of our Board members or our staff, or even us, ourselves, in how we're doing this, I think that is one of the, and perhaps this is not intended to identify the risk areas, which is one answer as well.

BRIAN CUTE:

So I think yes, that's an important aspect of how this work is developed. Two, we have a timeline. The operating plan gets baked and gets approved in June/July of next year and there will have to be some forward thinking about designing the work of developing solutions, right? I mean it's okay to identify an issue, assign an accountable party and owner. They give a date. You give them resources. But without addressing the aspect that you raise would be ill-advised. So I think there's time in the project design phase and we do have a bit of time here, thankfully, in that regard, that this doesn't get funded until after that date and work wouldn't start theoretically until after that date, and points well-taken. Thank you.

CLAUDIA SELLI: Any other comments? I don't know, Brian, if you have anything else to add.

BRIAN CUTE: No, just I want to recognize one thing that I've heard loud and clear from everybody. You all have too much work. This is another work stream. I completely get it and I accept and embrace your input. I am trying, consciously, to make this as light a lift as possible. I've used the frame of a conversation because I believe in the power of conversation and I also think at some steps along the way, we can manage parts of this process through conversation. This does require public comment. It will require more engagement in webinars and I thank you in advance for the time you're going to spend on this. And that's it. Thank you all.

CLAUDIA SELLI: Thank you very much for being with us today and we certainly will continue this conversation throughout the building of your project. Thanks.

BRIAN CUTE: Thank you.

CLAUDIA SELLI: Okay. So we can continue with the policy calendar. Andrea, if you have [inaudible] to put it on. Thank you.

STEVE DELBIANCO: I circulated a policy calendar yesterday afternoon. Any BC members that still need it should write back and we'll forward it again. It's on the screen now in Zoom so you don't necessarily have to have the e-mail in front of you. The e-mail helps because you can look at the attachments and click on the links that I placed in it.

Since we last joined by phone, we have filed two public comments. On June 13th, we commented on the evolving multistakeholder model, and thanks to Mark who did the majority of the work, Mark Datysgeld with help from Zak, Jimson, Andy, Marilyn, John Berard, and I. I appreciate those comments. I think they were among the most extensive filed by any group.

And then on the 22nd of June, we supported the non-contract party house. That's what we are in. That's the half of the GNSO is the non-contract half. So we had come to an agreement many, many months ago with the non-commercial stakeholders group on a process by which we would appoint and elect our Board member. We call it Board seat number 14. You know who has it

now? Anybody? Matthew shears serves in that seat right now and he's sitting right over here.

So Matthew, we had discussed how we were going to do that between us and the NCSG and we approved this back in February of this year, but it went out for public comment so we submitted a one-line comment suggesting we supported it. Well, the only other comment that came in was the IPC who also said they supported it. So I imagine the Board will simply stamp that and send it over to the GNSO for procedures.

Now let's scroll down to the currently open public comments and those of which have been assigned and those of which need help. First one is for streamlining these organizational reviews. Organizational reviews are a particular kind. They've been in the bylaws of ICANN since ICANN was formed and they require ICANN every five years to hire an outside consultant to come in and evaluate the purpose and effectiveness of each of the ACs and SOs, and we're in the GNSO so we get our turn every five years.

The goal here is to try to make a better organizational review. We have not been pleased with the GNSO's organizational reviews in each of the last two iterations, that is to say the last ten years. We'd like to see a better approach, including taking a hard look at structural reform, and Mark, you'll realize this

dovetails with what we submitted in the comment on the evolving multistakeholder model. We believe structural reforms are necessary to improve that multistakeholder model.

It isn't just what Brian said. It isn't just more efficiency. Look, the decisions we make and the policies we develop, they should be better than the ones we're developing now. It's not just about taking less time. It's about doing better work.

So Barbara Warner and I drafted the last comment and we were grateful that Mark and Waudo have volunteered to help us with it. So you'll see something from us in the next seven days so that you'll have several days to review it before the July 15th due date. I don't think it will be a very long comment. Are there any other BC members that have questions on that or want to assist? These are the organizational reviews, not the specific reviews.

Okay, number two is the fundamental bylaws amendment proposal. On our 12th June call, we agreed that we would endorse this proposed change and I would call it a very minimal change and an easy one to implement having to do with the IANA Naming Function review, so since we believe two weeks ago that we should just endorse the comment, I'll allow any BC member who feels otherwise and I don't need a drafting team if we're simply going to endorse the change. Any objections?

You'll see that it really only has to do with the way in which the ccNSO picks its three representatives because the way the bylaws are written, they really couldn't do it.

All right, number three, same thing. It's a revision to the bylaws regarding the leadership of the Security & Stability Advisory Committee and the Root Server Security and Advisory Committee, and the way the bylaws reference their leadership. SSAC has made a proposal on how to change it. It's a very small change that I've linked to there, and again, on the last BC call, you all said, "Let's endorse the change." No objections? Okay, then I won't bother you with those two again. We'll just throw those out.

The next is a draft review of the ccNSO. Do you remember in the first item, I discussed the fact that every five years, ICANN hires an outside consultant to do a review of every AC and SO? Well, whose turn is it this time? It's the ccNSO. They're being reviewed now and their consultants, the independent reviewer, came in and drafted a report and they're going to review it on the 11th of July. That is an opportunity for us to watch it and determine whether the BC wishes to comment on the review. It's impossible to decide right now because we haven't really seen the details of it. I would ask now are any BC members that are keenly related to the ccTLD space, either you have lots of domains there, maybe you've participated in the ccNSO and

have concerns about the way in which it's run. Well, this is a great opportunity to lead the BC's effort, looking at this review and making a comment. Any BC members with a keen interest in ccTLDs or ccNSO?

Not a difficult comment to work on. No volunteers.

Next one, and Jimson, you know I'll be looking at you on this one. But the financial operating, the projects and operating initiatives for the op and financial plan – and this isn't due until the 5th of August – but ICANN Org has put out financial assumptions with a base case, high level and low case with respect to their funding, and a bunch of operating initiatives that ICANN Org wanted to prioritize to achieve its objectives. So we need volunteers to work on a BC comment, and again, it's not due for almost five weeks, plenty of time to work on it. Any volunteers? Of course. Jimson always comes through on this one. Anyone want to assist Jimson?

UNIDENTIFIED FEMALE: I will.

STEVE DELBIANCO: Thank you. Thank you, [inaudible]. Others? Marilyn. All right, that's excellent. And Tim? Thank you. Appreciate it.

Number six. There's a root server system that we talk about and it doesn't often come up, but in the SSR Review, I imagine it becomes a matter of concern and the root servers themselves operate in a somewhat isolated orbit in the ICANN environment, so they have done an evolution of how they want to govern themselves. This will be due the 9th of August because the Root Server System Advisory Committee has, themselves, developed a framework. They published the framework and they have a concept paper that ICANN Org worked on where they want to try to come up with three new groups to do with the Root Server System and I want to thank Mark. [Is it on track]? You're back there. Mark was here a minute ago. Mark had volunteered. Jimson, you also volunteered to work on that.

So other BC members whose businesses rely upon the Root Server System, or have specific knowledge of the root servers, it would be a great chance to assist Mark and Jimson. Any others?

Okay. That's it for the currently open public comment period. So I had indicated number seven on here, which was an update on dot-Amazon, but we discussed that in our closed meeting today. So we'll skip past that. I usually, in all these policy calendars, recap for you what's been happening on WHOIS and GDPR. And so I only have a few updates and I you'll scroll, Andrea, to the highlighted yellow on 21 June, keep going, keep going. There you go. So on 21 June, Göran replied to Claudia in the BC on the

letter we submitted the 22nd of April. And if you recall, that was the Kobe meeting. We had a pretty interesting interaction with the Board in the Kobe meeting and we made some suggestions, which we followed up in writing on what we thought the Board should address in the motion they came up with on the EPDP Phase 1.

Well, we had some positive traction on that, a number of things that the Board came back with echoed the concerns that we raised and the letter from your end acknowledges specifically what the BC came up with and lets us know that they listened. Anything you want to add to that?

Okay. Mark and Margie discussed a little bit about where we are on the EPDP Phase 2, as well as Phase 1 implementation review and Mark and Margie drafted the BC's early input for Phase 2 and it's attachment three to the policy calendar.

Margie, any interest? Actually, I don't know if I see Margie or Mark in the room. She had to run and Mark, so they covered a little bit of this, this morning in the closed session. I'm the alternate on that group and can help as well. Do BC members have questions on the EPDP and where we are in that process right now that we haven't covered already? Keep in mind that virtually all day tomorrow, I think from 8:30 until 3:00, the EPDP

will spend a full day meeting and will continue to do a deep dive on the use case that Thomas Rickert had put together.

I also highlighted for you that we heard a presentation yesterday from Pricewaterhouse Coopers and one from WIPO on specific models that they could use to do a unified access model, and the BC has advocated a unified access model for almost a year now. We started working on this last July. We just don't know the specifics. Org is on board. Any questions on that? Any guidance for your representatives? Sajda?

SAJDA OUACHTOUKI: I just want to confirm for the Strawberry Project presentation, is it at 9:00 A.M. tomorrow?

STEVE DELBIANCO: Yes, and the Strawberry Project is Göran's name for the fact that he's assigned a number of his staff, including Elena Plexida who is a former commission official, commission staffer, he's assigned them to develop a paper to put some specific details, technical details as well as operational and maybe even some legal details on that framework that was developed by the Technical Study Group called the TSG. The TSG essentially validated what Alex, Mark and I had been saying for a year in that we could use RDAP as a distributed federated way of

accessing the WHOIS under UAM, so we're just putting some more meat on those bones, right?

So BC members if you can be here tomorrow at 9:00, I think you'll learn a lot from that process. Mark?

MARK DATYSGELD: Is there anything in particular we should be watching out for in tomorrow's processions on the EPDP for those who are not following it as closely as our representatives?

STEVE DELBIANCO: Mark, here's what I would offer you. At the 9:00 session that Sajda's asked about, we want to watch for this degree of interaction between Göran's team, Strawberry team, and EC, and whether they can enlist the European Commission to be persuasive to data protection administrators and the Data Protection Board.

The second thing I would raise is the timing, if Göran's Strawberry team is going to take two months or several weeks to get something back. What should the EPDP do in the meantime? So if you stuck around after the 9:00 discussion, we'll resume this deep dive on a simple use case where a trademark attorney uses trademark law in order to do a WHOIS query and to disclose the nonpublic fields in an automated fashion. We don't want to

make it something where you have to ask a registrar who then decides to do a balancing test. We want it to be an automated model.

So tomorrow's discussion, if you watch for it, we'll get to the idea of what do we need to do to make it fully automated so that the registrar doesn't have any legal risk, it doesn't have to look at the query. If you're a properly accredited individual for a legitimate purpose, check all the boxes and promise to be held accountable that if you do get the data back, that you'll use the data in full compliance with GDPR and dispose of the data when your purpose is done.

So I think tomorrow might be a constructive session to attend. If you're morning is open, come between 9:00 and noon. I think you'll enjoy it.

Andrea, let's move down into channel two, which is council, and then we're going to turn things over to Marie and Scott to walk us through that.

MARIE PATTULLO:

This is Marie trying to play ping pong with Scott. Thanks, Steve. Members of the BC have already heard me talk way too much today. We had a meeting this morning. For those of you who are not members of the BC, we have two counselors for the BC. So

Scott, who is over there and me, and our job, in essence, is to do what the people in this room tell us to do on Council.

The GNSO Council looks at policy management for gTLDs and all of the agendas are public. We just had a public meeting in this room a couple of hours ago. BC members have already got my high level notes on that and because you have heard me talk too much under Claudia's approval, I will say if there's anything you want to ask either Scott or myself, this is what we're here for but you don't need to hear me just repeating the same old stuff. Is that okay?

CLAUDIA SELLI: Sure.

STEVE DELBIANCO: Marie, Andrea's going to scroll this screen up so that our members can see the items that you discussed today. Higher up, Andrea, you'll see the full agenda, item four, five, six, seven and nine. And this is what Scott and Marie covered today on our behalf. Scott or Marie, are there any of the items on the agenda today, the discussion, that you want to highlight for members? And this is a chance for members to ask them questions.

MARIE PATTULLO:

I sent you an e-mail about an hour ago, you being everybody in the BC, so you do have the top level. There was nothing controversial. There were no votes. There were no motions. Nobody threw anything at anybody. Nobody cried. It was general discussions on item four. You will be seeing relatively soon a request to populate that panel. It is extremely important. It's a major accountability mechanism and if you want things to work well, then I would suggest that you come forward with that.

The IGO and INGO has been going on forever. I am very happy to talk to that at length apart from the fact that certain people in the room will fall asleep. IDNs, they're a small group of counselors from the more technical side who are working on that. Steve, you've already covered the EPDP and the ccTRT, again, we already covered that in other sessions.

It's not that I don't want to answer questions. It's just I don't want to be that dull.

SCOTT MCCORMICK:

Just to update on SSR2, there was expected to be a draft report from us this meeting, however, there has been some significant delays so there will be some, probably follow-up later on, either today or tomorrow on exactly what's going on with that.

STEVE DELBIANCO: Andrea, please scroll up so that all four of those items are on the screen. Scroll up, if you don't mind, because there is where it indicates that not only is Scott on the team, but Denise is a Co-Chair of the SSR2. And I kept saying, "Expect a draft report soon," as you indicated.

Anything else to add on that, Denise and Scott?

SCOTT MCCORMICK: Not at this time. There's been a letter sent to the SO and AC Chairs, so we should be hearing something from that.

STEVE DELBIANCO: All right, thank you. Number four that I highlighted in yellow is with respect to another review called the – you can leave it right there – the Accountability and Transparency Review Team #3. It's the third iteration of this. Tola represents the entire Commercial Stakeholders Group, not just the BC on there. And Tola reported on that progress in an e-mail that was sent to all of you last night. And Tola, this is a great opportunity if you want to update your colleagues on where that is particularly given the discussion we had of ATRT3 with Brian just a half an hour ago to make sure that he understands where ATRT3 fits into all of this.

So Tola, do you want to talk to us a little bit about your update and see if your colleagues have any questions?

[MAURICE TOLA]:

Thank you. When Brian came to present at our face-to-face meeting, a similar question that I put across to him if we're not going to be duplicating efforts. Particularly, there was a reference to previous review team's recommendation that has not been implemented yet, particularly in the [C3W] [inaudible]. The CCC Review Team that was just done, and from [within] a year has not been implemented. Each response was as it was presented here that what they are trying to do is different and they promise that whatever ATRT3 is going to do is not going to have the same effect as what has been [inaudible] in the past.

Another issue came up, which is the concern about accountability. [Inaudible] the Board report to, the Board is accountable to the community and the question was who does the community report to? And yes, one of the things that we were able to resolve today when we were [at a charter] team was that the community makes recommendation and sends it back to the Board for the Board to implement.

We had met with four SOs and ACs at this Marrakech meeting. We've met with GNSO. We've met with ALAC. We've met with SSAC and tomorrow we are meeting with the GAC. One thing

that came up again that we may probably need to take a look at is the effect of what Brian is doing alongside what recommendation of the Review Team may be. I [will] likely to make recommendations or maybe [jettison] at the end of the day because of the emerging [inaudible].

But why we had this brief yesterday – no, two days ago – there was this consideration that regardless of what Brian Cote’s team brings up, we are not likely to jettison what the recommendations will be at the end of the day. And so that implies that we do all our best to make sure we put as much questions as possible to the Board in terms of accountability and transparency because we’ve been assured that no matter what comes up with Brian Cote, our recommendations aren’t going to be thrown away.

We are still waiting the work plan timeline, but we intend to have the first draft of report towards the end of September and hopefully by Montreal, we’ll be able to present to the public, our first report. Thank you. If there is any question, I’ll be able to take.

STEVE DELBIANCO:

I’ll give you one question, Tola. You indicated that somebody was wondering who holds the community accountable. Who raised a question like that? That’s like asking who holds the

voters accountable for the votes they make. But who is putting that question to you?

[MAURICE TOLA]:

Okay, when the Board came presenting, the Board, there was the Chairman of the Board that [inaudible] thinking of how accountability has been accomplished in the time past. And yes, the Board is accountable to the community. Dot-Org is accountable to the community but who is the community responsible to? And the entire Board present was talk on that.

Okay, so bottom line is SOs and ACs define their priorities and because they defined their priorities, they have not been held bound by the Board or dot-org to determine how effective or transparent and accountable they are with their priorities. And [that was] what he said has been on for a long time and [inaudible] talk on that at the Board level.

STEVE DELBIANCO:

I'm going to refer you to the Work Stream 2 of CCWG. One of the nine projects was SO and AC accountability. We spent a year and a half on this, about who watches the watchers, who are the ACs and SOs accountable to, and they're accountable to the people that they represent and the interests they represent. It's only about a 15-page document. I'll be able to refer you to it, but we

answered that question and most of the Board knows that. Matthew Shears is nodding his head. He's part of that same group. So we've covered this already and it may be that some Board members didn't recall because that work was completed a year ago. All right? So it's the CCWG Work Stream 2 on SO and AC accountability, and I can refer that to you to make sure that everybody on ATRT3 as it.

Cheryl Langdon-Orr was part of that group so Cheryl probably should be able to help you with that. She's the Co-Chair of ATRT3, right?

[MAURICE TOLA]: Yes. Thanks a lot, Steve.

CLAUDIA SELLI: Any other question for Tola?

[MAURICE TOLA]: Claudia, may I just add that we are open to questions. It's not closed yet. If no questions are coming up right now, it can be forwarded to me by e-mail and I'll forward to [inaudible].

CLAUDIA SELLI: Of course.

[MAURICE TOLA]: Thanks a lot.

CLAUDIA SELLI: Also afterwards, they can always reach you [out] by mail, I guess, and thank you for doing that. Steve, you want to continue with your policy calendar?

STEVE DELBIANCO: Yeah, the only thing left on here is turning ... Go ahead, Susan.

SUSAN KAWAGUCHI: Excuse me, but you forgot the most important review, the RDSRT. We had sort of pushed off publishing the report. It should be probably published next week, but we pushed it off because of the issues with the CCT Review Team recommendations. That said, and I mentioned this earlier in our talk with Göran about the ARS and he's hoping to discontinue that. There are several recommendations in that report that pertain to the ARS, the accuracy. So that's going to be a little bit dicey if all of a sudden it's gone because we relied on that highly.

And then we also, the Board called together all the members, the leaders of all the review teams and we had a discussion, and I can't remember if we talked about that earlier. And they want

to, they sort of tasked us, [Avri] sort of tasked us with going out and making sure that people are more efficient and how could we fix this and these reviews, which we found sort of interesting. So trying to, I don't know. I felt like they were putting it on the community to fix things when actually I thought the call was to talk about the Board and how they reviewed the recommendations. So that will continue. That discussion will continue.

STEVE DELBIANCO:

Does that fit into that high interest topic that will happen tomorrow afternoon, which is the impact of EPDP and GDPR on everything else that's going on in the ICANN space? That's tomorrow afternoon. It would be great for folks from your review team to be there as well. I think that Council Chair, Keith Drazek, is leading it. I think it's tomorrow at 4:00. I'm sorry. 4:00? Okay.

All right, Barbara, I wanted to scroll down and give you the opportunity to add anything on CSG if you wish.

BARBARA WARNER:

No, we're almost at the end of the day so our CSG work is over for the day. We do have something ahead of us though, and that is a selection of both the GNSO Council Chair and the Vice Chair, and according to the bylaws, they must stand for election once a

year every year. So we have reached out to both Keith Drazek and Rafik concerning their plans to stand for re-election. Do you want to share your conversation with Keith?

STEVE DELBIANCO: Keith Drazek indicated that if his constituency returns to him, he is willing and interested in serving as Chair again.

BARBARA WARNER: And with Rafik, I'm still waiting for an indication from him as to whether he will stand. Yeah.

CLAUDIA SELLI: And thank you, Barbara, also for all the work that you have been doing behind the scenes to prepare this meeting. Thank you so much. And I don't know if there are questions for Barbara. Comments? Okay.

So we can go back. Andrea, can you put up the agenda, please? Because I don't recall what was next. Okay, I think we had already the GNSO Council update so shall we do, first, Jimson if you agree, any other business and then we continue with the recognition of the officers. Is that fine with you if I just reverse the agenda?

Okay, sure. Let's do the, Jimson, I will give the floor to you for the special recognition awards for former officer. Thank you.

JIMSON OLUFUYE:

Thank you very much, Claudia. Everyone, you're most welcome. This next agenda line item is something that's been on in the BC for a very long time. This current s-com is committed to sustaining this. That is recognized in the time, energy and resources members spend to ensure that the BC remains very active and vibrant in protecting its interests in the ICANN community.

The people we are recognizing today, they've served as counselors for many years and also served many other working groups and either NomCom or in the Outreach Committee or [Credential] Committee. They've really served the BC and want to use it to encourage more members to come up and keep the momentum going forward.

So we have four of our former members, former officers I meant to say. Members, hey are still our members but our former officers and counselors so four of them are here. And I will mention their names, and we will take them one after the other. And I would invite a Board member in the house and the [SCOM] to support in making the presentation to them.

[Before us], Susan Kawaguchi and can we put our hands together? [Said Jomy], let's continue to clap. [Said Jomy], please, please. Andrew Mack and Cheryl Miller.

Regrettably, two of them are not here. Cheryl Miller is expecting very good news, which all of us will be happy to hear once it materializes. But we will have someone pick the award for her. And also, [Said]. [Said] had a very urgent activity that he had to leave and so his colleague in the NomCom was [inaudible].

So I will begin with Susan. For the sake of new members, I do not know Susan. Susan, can you just wave? Yeah, that's Susan.

Susan became a member of the constituency 2006 representing eBay. When she moved to Facebook in 2009, she renewed her BC membership. She participated, following the working groups and the following position represented the BC, WHOIS Working Group, WHOIS Review Team, Ex-Pat Working Group for Registration Data, [inaudible] PDP, Proxy Privacy PDP, GNSO Council for four years, 2014, 2015, RDS PDP Vice-Chair, GNSO Standing Selection Committee as the Chair and the RDS Review Team Vice-Chair. You just heard her reported roles. Can we appreciate her?

So Susan, currently with CNA Consulting, she consults on domain name management and brand enforcement, and still a member of the BC. I would like to invite our Board member,

[inaudible], and all members of the [inaudible] committee to just come forward so that we can make this presentation. Susan, please come forward. Thank you.

Please don't go yet. Don't go yet. We're going to [omit] presentation Cheryl Miller, and I believe Barbara has offered to pick this for her. Cheryl Miller was [inaudible] Director of Policy for four years until 2018 and during that period, was [inaudible] member. She served as [inaudible] in 2015 and LAC Business rep to NomCom between 2016 and 2018. So it's my joy to [inaudible].

Sorry. Since they are not here, so the message will be sent to them. That is Cheryl and [Said].

Okay, and the fourth member to be so recognized, Andrew Mack. Can you wave? Everybody knows Andrew Mack. Andrew Mack is the founder and principal of AMGlobal Consulting, a 15-year old consulting firm that works with lead companies including a number of Fortune 100 companies and major tech [inaudible], as well as [inaudible] around the world. AMGlobal specializes in helping companies connect at an intersection of business and social value, working as a bridge to help bring together clients and friends in the global North and global South.

Mack is also founder and CEO of Agromovil, a Greek tech start-up designed to bring more food from small farmers to market,

more efficiently and profitably. The company is launching in Columbia later this year with support from Carnegie Mellon University, Amazon Web Services, [inaudible] and others.

A [veteran] of more than 30 ICANN meetings, Mark has worked with many of the most important actors in our ICANN community, including many of the new gTLDs, BC members and ICANN itself. Within the BC, Mark has been the longtime advocate for advancing geographic and gender diversity. He has served as [inaudible] of the [inaudible] committee. He is still serving in that committee, for many years, led BC Outreach Committee and served as BC Chair between June 2017 and December 2017. He is also serving currently as mentor/fellow on behalf of the GNSO and is the founding member of [James Bond] [inaudible] yesterday. We enjoyed it.

Andrew Mack, rise up now. You see that he's very tall, good-looking and always truthful. Mack loves whiskey. Okay, that one is true. He loves whiskey and is a devoted BC member. Please come. Put our hands together for Andrew Mack.

CLAUDIA SELLI:

So thank you very much, Jimson, for doing this. There is, under any other business, actually we wanted to cover one item and I will leave the floor first to Steve and then to Jimson concerning the officers election. So I would like, Steve, if you can start.

STEVE DELBIANCO: Andrea, if you allow me to share, I wanted to show the piece of the bylaws. Could you let me share screen, please? You've got to stop sharing, so there you go.

So on the screen in front of you is the charter for the BC and I wanted to point out area 2.3. It's on the Executive Committee or EC term limits. This is a charter we approved in July of 2017. What it says here is that officers of the Executive Committee, now the Executive Committee officers include our two counselors, but these are the particular officers that are Jimson for finance administration, myself right now for policy coordination, the Chair is Claudia, and Barbara Warner is the officer for commercial stakeholders group liaison. So there are four officers plus our counselors.

Our job, then, is to serve you and we want to be as open as we can to invite members of the BC to step up and serve a term or two as an officer. We work hard at this, but we've got the process down to where it's manageable. You can use so many of the procedures we've used in the past, things like the policy calendar that we used earlier. We have an ability to make it an absorbable, doable job and we need new blood to come into the officer core.

We adopted a charter in 2017 July that said that officers can serve three consecutive terms in one position. So the 2017 elections, the 2018 elections are two terms. The 2019 elections that will occur later this year, and Jimson will explain the schedule, will be the third term for myself. Barbara, Claudia, Jimson? It will be third term so we are going to need to have new officers in this core this time next year, but don't wait. If you're interested in serving as an officer, you can approach us individually, collectively. We can explain what it takes to do the job and be as supportive as we can because we do want to bring new blood into the BC. Our intention was clear when we adopted this charter that we want those of you around the table to come up and serve some terms as office and move through the ranks. Okay? So with that, Jimson, I wanted to allow you to talk about the schedule that you've set up as our Vice-Chair for Finance and Administration.

JIMSON OLUFUYE:

Thank you, Chris. Sorry, Steve. Yes. Well, there's requirements from ICANN that prior to any meeting, all information about travelers who come in about, say, 120 days thereabout. And so we need to plan way in advance and it also has to do with the officers, the counselors. That was why we conducted a counsellorship election last month so that the new officers can be ready for ICANN 66.

So with regard to the officers' election, as you recall, we have a policy in place that we should have it in November or December, period, so that it can resume in January. But we've decided also to bring it forward and then we're looking at the process to begin next month with a notice to all members. So as Steve said, we need to begin to prepare and ask questions so that we can take advantage of the opportunity to serve.

So it will run, they say, until September or thereabout and then those that are successful will take their seat in January 2020. So that is about it. You'll get the full details from our secretariat very soon. But please, apart from serving [inaudible] [cater] or counsellorship level, there are a lot of other areas we can make our services available to the BC, like Steve announced and we told the comments, requirements.

Okay, that is that for now from me of saying that. And can I [inaudible]?

UNIDENTIFIED FEMALE: Pardon?

JIMSON OLUFUYE: Yes, [inaudible]. Okay, just quickly to indicate that in the morning, during our closed meeting, the BC budget for FY20 has

been approved. Our members can check the list for more information.

And lastly, for me, I want to use this opportunity to recognize our guest, [Sofian Caffalla] from Libya that you all approve that you join us too at this meeting. So [Sofian], you're welcome.

[SOFIAN]: Thank you, Jimson. I am from Libya. I'm a businessman from Libya and excited to be in ICANN for the first time and looking forward to learn much about BC. So thank you so much for your warm welcome. Thank you.

CLAUDIA SELLI: Thank you, [Sofian]. Last but not least, I wanted to give the floor to Marilyn that wants to give us an update.

MARILYN CADE: Thank you. Marilyn Cade, the Chair of the BC Outreach Committee, and I would like to add to the recognizing of some of our guests and I'll just ask wisdom if you would just raise your hand and I think I see a few other of our new BC prospects here with us, so one of the things I will mention to you is that we have received a number of expressions of interest that came out of our [bode], came out of our engagement here.

And also, I'm not going to say it, recycling [bode], but repurposing members of the community who are transitioning from one part of a different stakeholder group into the business world. So that's very good news. I wanted to just thank everyone for the significant support that you gave to the offsite visit and to report that originally, Baher felt that if we were able to have eight attendees and participants from across the three constituencies, that it would be a success and we had 22, and there were four from the IPC and four from the ISPs and the rest were you. So really good news on that front I think.

As a result of our doing the offsite, 12 people from the emerging business factory attended our lunch yesterday and were very, very interested in further information about ICANN. The individual businesses aren't likely to be candidates to join, but certainly, the Executive Director may be.

And then I wanted to really thank Matthew and all of the other Board members who accepted the invitation that was extended to you to come and join. The feedback that I've gotten from ISP and IPC has been very, very positive. The staff is absolutely thrilled with what is appearing to be kind of the new model, similar to what we did in Kobe and then what we did here and then I've already been approached by the regional engagement team to start talking about Cancun and perhaps the need to do, and I'm saying perhaps, the need to do a day early in Mexico City

since most of the big businesses and business associations will not travel to Cancun, which would mean we would need to think about collaborating with ICANN again about doing a half-day event in Mexico City. Not a decision for now. The outreach committee will be talking about that and then trying to come up with an idea. But I have one other spontaneous thing I'd like to do, which is to recognize the gentleman sitting here and just tell you who he is.

[Nazar Aji] was the minister of [inaudible] post and communications from 1998 to 2002, and is now a professor emeritus at a university, so it's really interesting opportunity for us to be joined by someone with such an esteemed background and I wanted to call him to your attention in case you want to have a chance to introduce yourself.

CLAUDIA SELLI:

Thank you, Marilyn, for sharing with us all the feedback concerning the events that you organize and thank you for the work you have been doing, and welcome, professor. I don't know if you want to say a few words or otherwise, I'm also looking at members in case they have questions, comments. No. Okay, if there is nothing else, I would adjourn the meeting and thank you very much everybody for participating.

UNIDENTIFIED FEMALE: The recording has stopped.

[END OF TRANSCRIPTION]