



## Minutes: BC Members Pre Council Call Tuesday, March 12<sup>th</sup>, 2013: 11 am EST (3 pm UTC)

### Attendees:

Elisa Cooper	Marie Pattullo	Mallory Hein
Marilyn Cade	Bill Smith	Anjali Hansen
Steve DelBianco	Jimson Olufuye	Linda Kinney
Chris Chaplow	Andy Abrams	Bryce Coughlin
John Berard	Philip Corwin	Fred Felman
Camille Stewart	Aparna Sridhar	Barbara Wanner
Angie Graves	Amber Leavitt	Benedetta Rossi,
Gabriela Szlak	Mark Sloan	BC Secretariat

### Apologies:

Ayesha Hassan  
Ron Andruff

### Review of Recent Events – Elisa Cooper

#### New gTLD Contention Sets Revealed:

- ICANN went through and identified all the new gTLD applications where the strings were too similar and therefore could create confusion. These strings were to be set aside, and ICANN was not to delegate strings deemed too similar.
- Everyone assumed that singulars & plurals were not going to be allowed to go through, and put in contentions (eg: .coupon and .coupons). This was not the case. Singular & plural will be allowed.

ICANN Announces NAF (National Arbitration Forum) Selected as URS (Uniform Rapid Suspension) Provider: Good news, currently provide arbitration for UDRP.

Phil Corwin:

- ICANN published the Special Trademark Issues Recommendation Team (STIRT) which went over the final details of the rights protection mechanisms and had recommended that URS providers be put under contract. This is consistent with the BC's position on UDRP providers. ICANN published a two-Page memorandum of understanding between them and NAF which tracks the request for proposal; it has no enforcement mechanism.
- The press announcement regarding the NAF's appointment as URS Provider stated that they were the first of the URS providers to be appointed. However, Phil heard from at least one

other applicant that they've been told by ICANN that ICANN has no plans to appoint any other URS providers any time soon.

GAC (Governmental Advisory Committee) Announces They Need More Time : Guidance will be released after the Beijing meeting.

ATRT II Appointments Made – Accountability & Transparency WG.

- Mike Roberts was put forward by the BC, but not selected. Brian Cute from Registries, and Avri Doria from our House. Concern that we do not have a rep from our group. Steve Crocker was contacted about this, he said candidates might be contacted for their input.
- Marilyn Cade: Informally heard back regarding the appointments for the ATRT, and was told that one of the issues was geographical diversity. This should be considered moving forward.

Expert Working Group on gTLD Directory Services Commences – essentially WHOIS. Susan Kawaguchi will be participating on this, she will be sending a status report bi weekly.

NTIA Encourage All New gTLD Applicant to Submit Public Interest Commitments :

- Commitments that the new gTLD applicants are making based on what they put in their application. This is a concern for BC members since at the moment there are no commitments for the new gTLD registry operators to do what they've put in their application.
- This issue was raised by the GAC. As a result, ICANN asked for all new gTLD applicants to revise their contract to include these commitments that the actual new gTLD applicants put in themselves in their applications.
- Only approximately 500 of the applicants actually provided these commitments which means the vast majority actually did not provide anything to put into their contracts.
- This is a BC concern since the BC was very keen to have contractual commitments added in the applications.

**Important Upcoming Dates – Elisa Cooper**

- March 6 – Public Interest Commitments Published
- March 13 – Formal New gTLD Objection Filing Deadline
- March 26 – Trademark Clearinghouse Opens for Submissions
- April 23 – First New gTLD Registry to be Delegated – shows Fadi's commitment to get this launched.

**Policy Calendar – Steve DelBianco.**

***Please note that only the discussed items are present in minutes. Please see the Policy Calendar for the list of complete Channels and comments.***

**Channel 1. BC participation in ICANN Public Comment process:**

1. Policy vs Implementation. (reply comments close 14-Mar)

- BC filed comments [here](#).
- BC filed comments on policy versus implementation with some broad principles but not limited preventative registration but included the four elements of the Strawman.
- BC concluded that these principles are implementation, not policy and are still waiting on ICANN to announce which of the Strawman elements will be implemented with the trademark clearinghouse in the next two months.

2. Revised gTLD registry agreement, incl public interest specification. (reply comments close 20-Mar)

- BC could support previously-requested improvements that were added to Ry agreement:
  1. Registries must use registrars agreeing to latest RAA.
  2. Commitments / statements of intent can be added to Registry agreement where they would be enforced by ICANN.

**Outcome of discussion:** BC membership wants to submit a brief comment citing places where the new registry agreement is consistent with BC requests. On BC list: the addition of a comment on the contract unilateral changes.

Bill Smith, Elisa Cooper, John Berard and Marilyn Cade: encouraged to respond to that draft by Reply All so that the membership can determine whether we want to add that.

So we won't put it up for a vote as to whether the comment on the things that are previous positions; the only thing the BC will poll on in the next several days is this unilateral changes to contracts.

3. Whois registrant identification study (reply comments close 31-Mar)

**Outcome of Discussion:** A volunteer is needed and will be requested via email.

5. Proposal from Arab Center for Domain Name Dispute Resolution (ACDR) to serve as UDRP provider (initial comments due 22-Mar)

Note: ACDR is affiliated with BC Member Talal Abu-Ghazaleh

**Outcome of discussion:** Phil Corwin volunteered to research & draft a comment with Steve.

6. Proposed 2013 Registrar Accreditation Agreement (RAA) (initial comments due 28-Mar)

**Outcome of Discussion:** Volunteer to draft a comment will be requested via email to BC membership.

**Channel 4. BC statements and responses during public meetings (outreach events, public forum, etc.)**

- Concern about String Similarity / Contention Set conclusions. (I sent a note regarding the findings on 5-March. (see below)). Several BC members noted concerns that singular and plurals of the same string were not placed in the same contention set:
  1. Consumer confusion
  2. Defensive registrations in 25 additional TLDs
  3. Terrible Precedent: applicants in future rounds could propose plurals of established TLDs (.nets, .books, .apps )
  4. Reflects poorly on the gTLD expansion

Let's discuss whether and how the BC should raise these concerns. There is no public comment on these contention sets, and only applicants can file string similarity objections (by 14-March).

Steve finds no established BC position on whether singulars are confusingly similar with plurals. We have commented on string similarity tests, mainly to say that applicants should not be prevented from adding IDN translations of their Latin TLDs.

**Outcome of discussion:** BC members agree to comment on this topic; options are sending a letter to the Board and speaking publicly about it in Beijing and other places.

To do so a BC position on the singular/plural needs to be adopted, this can be developed very quickly depending on the level of consensus. Andy Abrams, Chris Chaplow, Bill Smith, Marilyn Cade, Anjali Hansen, Gabriela Szlak agree.

Bill Smith volunteers to draft a BC comment.

### **Councilors' Report – John Berard**

- Policy vs Implementation: The most important item is difference between policy and implementation which was previously discussed.
- RAA: There is a late move now to try and make the discussion with regard to the RAA a unilateral action and the appropriateness of the Staff having posted something that had not been agreed to and why ICANN has not posted the response from the registrars. So that may become a matter of some interest. If this is the case, John will let members know so it can be tracked on the transcript.

### **CSG Activities – Marilyn Cade**

- Advise everyone who is coming to Beijing the Tuesday morning breakfast will be with the GAC: 8:15 am – 9:15 am, shorter at GAC's request. Topics of mutual agreement within the 3 Constituencies will be posted shortly. Focus from GAC: new gTLDs and objections. Will need to RSVP to Benedetta Rossi, BC Secretariat.
- CSG meeting with Board from 11: 15 am – 12:15 pm on Tuesday in Beijing will be both transcribed and remote access for participants.
- We will work on topics to put fwd to the Board with other Constituencies in CSG.

- While in Beijing there are a number of activities where we will be interacting with the House. The CSG left the intercessional session having agreed to work with the other parts of the House on requests for ICANN funding support collaboratively.

### **Beijing Planning**

- Elisa Cooper: received several proposed topics from members: New gTLDs, new member outreach, charter changes, singular versus plural issue and generic words, trying to understand DotBrands and understand what their perspectives are, the registry agreement, the RAA and Whois, GNSO and rebalancing influence among all of the stakeholder groups.
- CSG Sunday Meeting with Board Members Bruce Tonkin & Bill Graham: Currently do not have confirmed topics (need to be validated by the three Constituencies), but the Board members are interested in: singular versus plural strings, the new gTLDs and issues related to closed versus generics.
- Gabriela Szlak volunteered to give a report from E-Instituto who will be taking part in the Latin American Working Group.

### **Other Items – All**

- Marilyn Cade: for members who are actively involved in Internet governance topics: in the agenda for Beijing (not yet published) there will be update sessions on the regional strategies in Africa, in the AMENA region and in Latin America, and an Internet Governance Workshop.

### **Chair's Final Remarks**

- Follow up call will be scheduled to review the results of the survey the Chair sent to BC Members. Benedetta Rossi, BC Secretariat, will send a calendar invitation for this call.
- Members are invited to submit any further topics of interest for the Beijing agenda directly to the Chair.