

ICANN

**Moderator: Gisella Gruber-White
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10:00 am CT**

Benedetta Rossi: Thank you very much (Tonya). Good morning, good afternoon, and good evening. This is the BC Members Call taking place on the 4th of October 2013. On the call today, we have Gabriela Szlak, Barbara Wanner, Chris Chaplow, Ayesha Hassan, Ron Andruff, Elisa Cooper, Andy Abrams, Jim Baskin, Anjali Hansen, Philip Corwin, Marilyn Cade, Richard Friedman, Steve DelBianco, and Mark Sloan. We have apologies from David Fares, Sarah Deutsch, Janet O'Callaghan, Elizabeth Sweezey, and Marie Pattullo .

I would like to remind all participants to please state your names before speaking for transcription purposes. Thank you very much and over to you Elisa.

Elisa Cooper: Thanks Benedetta. Hi everyone. So we have another full agenda today, so I want to jump right in. I've got a few things that I would like to cover before we turn it over to Chris. We haven't heard from Chris in a while mostly because in many cases we've run out of time.

So we want to make sure we get an update in terms of where we are with finances and then we will move on to the council discussion and maybe we

could talk a little bit about - I know that Steve is going to talk through a full policy update, but also to hear kind of what's going on with the council in particular we talked about last time. The issues around singular and plural strings, and then a quick update from Marilyn, and then to Steve so we can spend the bulk of our time again on policy.

So in terms of a few items that I would like to cover, we are you know in the process of getting ready for the meeting in Buenos Aires and I saw from a lot of the email back and forth in terms of who we invite to the Tuesday breakfast that there is a lot of - along with interest in speaking with the GAC, there is also a lot of interest in hearing from the SIAC, the Security and Stability Advisory Committee.

And the plan is I think to try to speak with them as part of the full CSG, possibly on Sunday, but I don't have any confirmation of that, but I have flagged them as a group to possibly speak with when either you know on a Monday or Wednesday during the lunchtime. I understand that they are already booked for the Tuesday, but I wanted to hear from others if there are other groups like that, which you would like to meet with during Buenos Aires.

I mean my feeling is we want to try to spend as much time focusing on our own policy issues, but if there any particular groups, I would ask you to take it to the list and I will just send out also a reminder asking, but I would like to make sure that our meeting is productive and that we are hearing from groups that you want to speak with.

The second items that I would like to cover is our charter update and our charter limits. You know my apologies for that. We have had so much going on. you know it feels like it has stalled out a little bit, but I would like to do is

ask if there is a volunteer that would be willing to kind of take that up and continue to move forward. We have - you know I think the last set of changes may have come - I think they were coming from - I forget now. They came from Google I think, the last set of changes around the election term.

But I'm wondering if there is somebody on the call today that might be interested in kind of taking up helping to gather up those charter amendments so that we can continue to move forward with that. Are there any volunteers out there?

Marilyn Cade: Elisa it's Marilyn. If the secretariat could gather all of the missions today and put them into a single markup document, I would be happy to work with others to just make sure we have a complete (unintelligible), but if we could get the secretariat to take all of them, then I would be happy to.

Elisa Cooper: I think - yeah I mean I think that the - I think it was a part of who had actually put in the last of the changes and I think that went into the fully marked up document if I'm not mistaken, so I don't know if there is any work for Benedetta to do. If there is not any, volunteer that's a part of the BC that's willing to take that up, that's fine. We can...

Marilyn Cade: Elisa I was volunteering, but I was just asking to have a single unified document.

Elisa Cooper: Yeah, I think you can use the last version that was sent out where (unintelligible) made her changes.

Gabriela Szlak: This is Gabi.

Elisa Cooper: Hi Gabi.

Gabriela Szlak: And I also was willing to help Marilyn.

Elisa Cooper: Okay, great. The next item that I wanted to talk about is around the election that is now open for both positions. And again, congratulations to Stéphane Van Gelder for being nominated for the chair elect for the nominating committee. That's great news.

As you all know, we did decide to move forward with an election for both positions and that election just opened today. I saw that Benedetta sent out an announcement on that, so that nomination period I believe runs for a full two weeks.

Then the last area I wanted to cover was I wanted to - I had spoken a little bit earlier this week with Anjali about putting together sort of a subcommittee around outreach to small and medium businesses, and so I wanted to turn it over to Anjali to talk about that.

Anjali Hansen: Thanks Elisa. I had sent out an email to the list stating that I thought it would be a good idea to perhaps do some outreach on, especially on the new gTLD issue to small and medium sized businesses. And I got a lot of positive feedback from several of you about that and Elisa had recommended that I put together a strategic sort of plan and a list of targets who we might try to target to get more business support and sort of broaden our reach and awareness of the BC.

So what I've done thus far is I've come up with sort of an idea of the content of that type of outreach and I thought maybe what we could do is - I'm not sure yet how to target everyone, but one option is to have like a Web site or a Webinar or you know engage other associations in different countries to do a bit of educating on the current you know state of the new gTLD program, the

rights to protection mechanisms, brand protection, and also how they could become involved with the BC, so it would be a bit of promoting our constituency as well.

So the people that I heard from that I thought would be great to participate in this as a little working group or committee would be Gabi, and (Celia), (Angie Graves), Marilyn, (Yvette) from (CADNA), and then of course we were going to try to coordinate with ICANN. (Chris Mandeni) - I'd love Ayesha with the chambers if she has any time and anybody else who wants to be a part of that.

I'm especially looking for people in - with contacts with small and medium businesses or at least knowledge of contacts in Africa and the Middle East. Gabi and (Celia) will be great for Latin America, and the organization I work for, the Better Business Bureau.

We have over 400,000 businesses that we work with in Canada that are accredited and we have a list serve access to - in North America, Canada, and the United States, and we are actually - it's not public yet, but we are also adding BBB in Mexico, so we will have that market context there as well to start doing outreach to businesses.

So what I was going to propose is that I start working immediately with (Celia) and Gabi because of the upcoming Buenos Aires conference and that we could target you know businesses in South America. I think that makes sense and then you know the next phase could be North America including Mexico and then Europe, the Middle East, and Africa.

So I would just like to put together a small group that we can come up with like some overview of the message that we want. It has to be succinct you

know and then ask for some help form people in those different regions that have business contacts including associations that anyone knows of.

So if anyone else who is interested in working on this project, if you could just email me and, or if you don't have time to work on the project but you know of business associations, small business associations, and other countries, I also thought of you know some of the international organizations. That we could you know ask them to promote this message campaign on our behalf. That would be great.

Any questions.

Elisa Cooper: No, I think that sounds great Anjali and I think it's great. I really appreciate you taking this on because I know small business is a group that I think we have a hard time reaching out to and our message does not get to them. You know they don't have the resources you know to engage directly with ICANN so I think you know if we could at least bring some of the message of what's going on at ICANN and how this is impacting them, I think that would be a great thing.

Marilyn Cade: It's Marilyn. Could I just note that I think (unintelligible) got disconnect, he's (unintelligible), but Anjali I'm sure he will want to join you and I think we've got some other folks that will join your initiative as well, but I wanted to mention (unintelligible) engaged, but (unintelligible) just got disconnected. So maybe when he is reconnected he could just comment and joining the working (unintelligible).

Anjali Hansen: Great. Yeah, I will do a follow up email and I will include him on that.

Gabriela Szlak: Yeah, this is Gabi so I can also (unintelligible). I'm not sure if (unintelligible), but (unintelligible) event and (unintelligible) that you want to send or if (unintelligible) and then we will spread it in the regions. So you could use some of that material and maybe (unintelligible) English or (unintelligible) as well or (unintelligible).

Anjali Hansen: That would be fantastic that it's in Spanish, yes. And if you can translate it so we can just look at the content and then maybe add to it. I've done a Webinar and I know others have done Webinars on these issues, so we could take our slide from those presentations and see what you have and package it for different markets, and we would have to get different languages translated into different languages as well.

Gabriela Szlak: I will send it to you.

Anjali Hansen: Thank you.

Elisa Cooper: All right thanks Anjali, I think it's great initiative. I would like to move on to Chris Chaplow now to give us an update on finances.

Chris Chaplow: All right, thanks very much Elisa, Chris Chaplow speaking. Moving on to the agenda, I won't abuse that position, I will just be as brief as I can.

Okay, ICANN general budget. On the 22nd of August, the board approved the FY14 operating plan and budget and that was almost identical to the draft. In fact, the operating expenses - 84.871 million instead of 84.499 million gives you an indication of how little change there was. That's the non-gTLD operating expenses.

Two exceptions that had been mentioned in Durban, one was exceptional items, one was 3.5 million for the strategic panels, and the other was .7 million for at large summits in London.

I can't find any mention of the ICANN labs, which I understand are costing about 1.9 million. In fact, the budget document approved is the shortest. It has really been cut down just to the meat; it's only 20 pages, so it's the shortest one I've seen for many years.

FY13 expenses, that's the year that's closed, the forecast on costs have now gone down from 68 down to 65 and that was on a budget of 77, so that's interesting. The year before, we - 77 million was budgeted and only 65 million was spent this year as I've just said. 85 million is the budget so we will see how it pans out.

Looking forward to this year or next year's budget cycle, there is supposed to be a budget process development group in this part of the year. I've not heard anything about that starting. There is likely to be a couple of calls for that and that's for talking about the process in advance of the budget round of documents, comments, which would start next January. That's also usually based on the strategic plan and is usually published about now in October.

Now last year, the strategic plan was more of a copy of the year before, because there was going to be a big review of the strategic plan. I don't have any news on what this year is going to see, whether the consultants, or whether there has been a lot of work done on the strategic plan, but that's certainly one for us to look out for when that comes out.

Moving on to SOAC support requests, the CSG leaders had a call with (Rob Hogarth) back on the 3rd of September to discuss the implementation of the

requests that were approved this, namely secretarial support, banking support, outreach events, outreach materials. And I pricked my ears up when Anjali was talking earlier, because we have got funds from ICANN for that. That's the good news and I don't see any reason why your project couldn't - if we wanted some collateral, or PDFs or something, we couldn't make use of that. So I can explain that later and that's the good news.

The bad news is that the rules have changed and it's got to be done. It's got to be produced through ICANN's communication department, through ICANN's languages department, which we haven't done in the past, so that's likely to be more time consuming and more difficult I imagine. But you are welcome Anjali; welcome to make anything on that one I would think.

Elisa Cooper: That's great information. Thank you.

Chris Chaplow: Yes, so I can help point in that direction. There is going to be a follow-up call, which is now overdue and I haven't heard anything about that, so I think we probably should chase that one up. And I've had seen a transcript. Bennie have you seen a transcript from that 3rd of September call?

Benedetta Rossi: Yes, I sent it to you about ten minutes ago.

Chris Chaplow: Great. Thank you. Good. Great.

Benedetta Rossi: My apologies.

Chris Chaplow: I will send a more detailed action list for that. Okay, so that's for that subject.

And then just to mention BC finances. We've just completed the third quarter of the year and as far as I know we are pretty much on budget, (unintelligible)

reconciliation now. We've completed the third quarter with Bennie, so I'm happy to report that back to (unintelligible) on the next call in Buenos Aires.

And of course, we don't need to start thinking about next year's budget; I think it would be desirable for the Finance Committee to be able to publish this you know in mid-January and do this fairly quickly ahead of the elections. I think that would be a good idea.

And that was about it as a quick overview Elisa. I'm happy to take any questions.

Elisa Cooper: Any questions. That was really great (Chris), thank you so much for all of the information. And yeah, I think it's fantastic if you could do a detailed reconciliation and I know I'm interested to see exactly where we came up.

I know there are things that we did not actually spend funds on, so it will be interesting to see if you know that savings allowed us to be on budget. So it would be great to see kind of where things are.

Chris Chaplow: Yeah, certainly at the three quarter position point.

Elisa Cooper: Yeah, that would be great. Now moving on, I'm not sure if either John Berard or (Zahid) are on the call.

John Berard: Yeah, I'm here.

Elisa Cooper: Okay, over to you John Berard.

John Berard: Okay, thank you (Elisa). Clearly the council meeting next week has four items I think that are of highest interest to the business constituency. The first one is

the attempt via motion to approve the framework for cross community working groups to reinvigorate that discussion.

You may recall that the GNSO Council formed a drafting team and then invited other SOs and ACs to comment. A few did and those that did had more problems with the effort than support, and so there is an attempt to start over essentially.

And because I was involved in the initial work, I have agreed should the motion pass to be the chair of this particular effort. I don't know why I've done something as crazy as that, but I do believe that it's important for us to figure out how to organize cross community working groups as we look at the future of a much more comingled ICANN community.

The other matters that I think are important. I know the BC membership has been deeply involved and tracked closely the development of the new registrar accreditation agreement. There are a number of things that were points of discussion on the BC list that did not make it into the new agreement, the 2013 agreement.

There is a discussion at the council regarding the possibility of a PDP to handle those particular issues, and so if there are any that strike you as still important yet outside the framework of the new RAA, please let me or (Zahid) know and we can bring them up during that discussion.

The third item that is important is - and the fourth item are two things that have been current on the BC mailing list. The first one having to do with string confusion. Essentially its singulars and plurals. There is a fair bit of noise being made by the council that the inconsistency with regard to singulars and plurals has led to a certain incongruity in the program and could

undermine competence. And so there is going to be a discussion about what to do about that. Maybe what's the (unintelligible) or reviewing the transcript once it is done.

There will be a similar discussion with regard to the INGO names. (Thomas Rickert) is the chair of that working group and will be leading the conversation, offering reports of where things are. I know they are in the midst of or I guess occluded the review of a letter on these matters, and so they will be the basis for (Zahid) and I during the council meeting.

The only other item - and it probably isn't right just yet, is the Buenos Aires meeting agenda. I believe that we are going to have the (unintelligible) on Sunday for the constituencies but if there are any other ideas, suggestions, recommendations, just let us know and we can (cloak) them during the portion of the council meeting that's devoted to the discussion of the Buenos Aires schedule.

Any questions on any of that.

Elisa Cooper: I see Ron has his hand raised.

Ron Andruff: Thanks. the question I have and we might be getting into it later with Steve's policy discussion, but you've raised the issue that council are feeling the pressure on singulars, plurals, and there is a lot of discussion about that right now and I just wanted to ask your opinion.

Elisa and I worked on a draft letter and I'm wondering if that's something that we might be able to get into the hands of the council and the council might be able to take that up as a working document and perhaps improve on it to send on to the NGPC or something like that. Your thoughts.

John Berard: I think that would be great. It would be a good way for the BC to let our colleagues know exactly where we are on the matter. Looking at it a bit more strategically, the confusion that results from the singulars and plurals is all as ICANN staff would tell you within the context of the program itself.

I mean the fact that you have a different ruling on the same pairs doesn't seem to bother anybody and I think historically, ICANN has been more than willing to hide behind a successful application of a predetermined process rather than to shift its point of view once something has been underway.

I don't know. I can't even guess the outcome of the string confusion is going to be, but at this point, I think the only thing that we can do is press the matter. And yes, I think it would be a good idea to read that letter ahead of time.

Any other questions. I'm not on Adobe so I can't see raised hands, so if someone would just let me know.

Marilyn Cade: Yeah, I'm (unintelligible).

((Crosstalk))

Elisa Cooper: Go ahead Marilyn.

Marilyn Cade: I'm not in Adobe either. My apologies. I did have a question, but its more about the follow up events that the council. So on the weekend, there is a I don't know training session or orientation session or something of that nature. I know I had volunteered as one of the executive committee members if no one else is available, but John Berard do you have an agenda that you could share with us for that orientation session?

John Berard: No, I don't have an agenda at this point and the schedule is that we will be succumbing ourselves on Thursday afternoon and Friday, and then departing Buenos Aires on Saturday morning, it is the result of a suggest about a year ago that as the new councilors are seated at the annual general meeting that it might be a good idea to layover for a day to help introduce those new councilors to their new colleagues.

To have the discussion about the methods, processes, policies, and procedures of the council, and to allow the new members to build relationships with their new colleagues so that the work of the council could be that much more productive.

So I guess the - what is it? The board meeting ends at about noon or 1 o'clock on Thursday and then reconvenes shortly after that on Friday. And I believe it's in the same hotel as the meeting itself. There was some earlier discussion about moving, but it made absolutely no sense. And every once in a while, something that makes no sense actually doesn't get done.

Elisa Cooper: John Berard, just kind of a question. So is the full council like pretty much on board with - and I see that a letter was written by (Jonathan Robinson) on this issue and Steve posted it. But like even the NCSG, are they even on board like that this is problematic. Like having delegated singulars and plurals is problematic.

John Berard: You know most of the noise as you can imagine comes from the contracted parties. I have not - don't have a grasp. I don't know enough to be able to authoritatively say what the NCSG position is on the string confusion.

Elisa Cooper: Okay, any other questions.

John Berard: To that point, the NCSG hasn't had a fairly active role in participation in the council meetings the last few times. They've had a lot of substitutes, a lot of people missing in action, and across the board there generally is - they participate less in the public meetings. They participate less in the meetings than some - than the other constituencies and stakeholder groups.

Marilyn Cade: It's Marilyn if I might ask a follow up question on that topic.

John Berard: Sure.

Marilyn Cade: It has been quite interesting to observe that after insistence that they own all of these seats. They haven't actually been able to fill them consistently. There are some other issues that are emerging related to ICANN's role. I don't know if those are - are any of those coming into the council to (unintelligible) the council's discussions? The surveillance issues, other issues, or are we sort of okay with the idea that the council is supposed to insist (on its own) agenda.

John Berard: That sounds like a Bengal tiger track. No, we have not had any discussion about the summer of (Snowden), about the criticism from the Madam President of Brazil, the rattling of the EU commissioner sabers with regard to the Safe Harbor. So no, it's been pretty much focused on the things that we are supposed to be focused on.

Marilyn Cade: Well the reason I ask...

Elisa Cooper: (Ron) has his hand raised and then (Steven) then we should definitely move on because I know that Steve's got a pretty full policy calendar to run us through. So (Ron) and then Steve.

John Berard: Okay.

Ron Andruff: Thank you Elisa. So just a quick follow-on then John Berard and Steve I see Steve is following me so he can probably answer this question as well.

If in fact the council has sent this letter on the 18th September and I just quickly scanned it it's probably a better move for us as the BC to send our own letter and perhaps reference and support (unintelligible) to make to underscore all of that. So I just want to add that to the conversation. Thank you.

John Berard: Okay. Steve.

Steve Del Bianco: Thanks. And we will cover the singular plural letter draft. And I have some suggestions for how to change the BC letter but we'll cover that at that part of the call.

For purposes of council discussion you do have Item 9 on your agenda is the issues surrounding string confusion. And if staff is part of your council call it would be fabulous to get Christine Willette who runs the new gTLD program to follow-up on what she said in her video.

And I put into the chat a link to this. But she said quote, there is not an appeals process but staff is working diligently with its dispute resolution providers to ensure that all the procedures have been followed and look at the expert determination.

And we're looking at the consistency issues. Consistency issues are key to the business constituency letter draft on singular plural.

So John Berard I would just invites you to watch Christine's video. I transcribed the key...

John Berard: Can you send that link to me separately? I'm not in the Adobe Room.

Steve Del Bianco: I will John Berard. I will and then you will have an opportunity to probe staff and might even request that Christine join the call for that portion of the council call agenda and probe her as to what kind of things can we do to ensure consistency not just with GNSO recommendations on string similarity but consistency among the different dispute resolution providers who are currently reaching different decision on identical facts okay?

John Berard: Great.

Steve Del Bianco: Thanks.

Man: That's a great idea. I'll do it.

Elisa Cooper: All right so why don't we Marilyn if we can get a quick update and then we'll go to Steve?

Marilyn Cade: So on the CFG topic I sent out a number of updates about our trying to figure out who is going to speak when on the CSG.

For right now I'd like to just focus on an update, make sure but he understands what the CSG role is on elections because we can deal with speakers and other issues by email.

But I saw an email on the list that seemed to indicate that we should brief the members on how the business constituency participates in elections for vice chair and for chair.

So I'm going to just speak briefly on that. I have a whole briefing document that I can send out but I think it's really important for the business constituency members to understand how we fit into the overall structure on vice chair and chair of elections for the council.

First of all those elections are done by the councilors. And most members who've been around a long time understand that but the different constituencies both whether under instruction or in free-form.

Our constituency CSG representatives have typically voted under instruction after consultation within the CSG.

The - we have - we obviously have nothing to do with vice chair elections from the contracted party house.

Any member of the BC who is also active in the contracted party house is completely segregating their interaction from our house according to our charter.

So whatever they're doing there not a part of our alignment and we will of course not discuss that. They're free to do whatever they do.

For us we have a vice chair for the non-contracted party house. Due to a long-term negotiation we agree to rotate the nomination process.

Things were very contentious in the last round including a ombudsman complaint about how the process went down.

The noncommercial stakeholder group will nominate a vice chair candidate for this round. If that candidate gets eight votes and that means they have to have all six votes from their house plus two from either one from our house or plus one from the nominating committee appointee or two from our house and, if they don't get eight votes then we go into a negotiated process which puts further candidates forward for vice chair.

Vice chair candidates obviously have to be elected councilors. We tried to create a more amenable, more collegial approach in working with the noncommercial house. But Steve Metalitz from the IPC will be carrying forward an outreach to the other half of the house so that we can move forward.

But the thing to understand is the noncommercial stakeholder house owns the opportunity to put forward a candidate.

Wolf-Ulrich from the ISB has been a vice chair for two years - one - sorry two one year cycles so prior to that we had vice chair from the noncommercial house, Mary Wong. Most of you know her. She's now a ICANN staff person but at the time was from the from the NCUC.

So this is going to be something that will evolve. And I think for the most important thing I want you to understand is the CSG will be working on this and we will work to keep you informed and ask your inputs as we get information from the noncommercial stakeholder house about who they think the candidates are (ombud seat) of the chair overall.

That is something that we should schedule a separate conversation on since right now it looks like (Jonathan) will stand again and maybe other people who stand as well remember their votes are cast by the councilors.

So it would be once we know who the candidates are we would be advised by the councilors on their suggestions.

Elections are taken by the post council. So it's any new incoming councilors will get the votes.

There is a very limited number of incoming councilors. The BC of course will have one. There's also a new councilors on the nominating committee coming in

So maybe we should just think about timing and ask Elisa to schedule a time with the councilors when we can talk about the chair elections.

Elisa Cooper: All right Marilyn anything else? Okay thanks Marilyn.

So before we move onto policy I just wanted to -- and Steve just gave me a little heads up -- just want to remind everyone as you know we are in the election process for both our councilor position as well as our nominating committee position, the small business seat.

What I want to remind you about is that diversity is not necessarily required but it is desired. It's I believe the wording in the document that Benedetta sent around said something along the lines that the candidate for the GNSO councilor position should be from a region other than the North American region but it says should.

So just to remind everyone I think we may have spoken about this last time, we did say that if we do not find a candidate that is outside of the North American region during the initial nomination period that we would extend the nomination period for an additional week.

But at any rate just wanted to remind everyone about that. Why don't we at this point any questions about anything before we move on to John Berard - I'm sorry Steve? Okay Steve. It's all you.

Steve Del Bianco: Thanks Elisa. Everyone I set around a policy calendar yesterday and I don't have to repeat too much that's in there. I'll highlight certain things and try to coordinate a little bit of discussion on items that need action and items that need volunteers.

On Page 1 of the policy calendar the second item I had was collision mitigation proposal. The BC filed strong comments on this. ICANN staff posted a summary of those comments but included no analysis or recommendation.

There was an expectation that staff would have analysis and recommendations on what to do about collisions with new TLDs today because the board's new TLD Program Committee, we call it the NGPC, they're meeting this afternoon on a conference call. And the item on their agenda is what to do about the collision proposal.

Three BC members attended an event in Washington DC on October 1 on collisions - (Angelina), Phil Corwin, Jim Baskin and myself.

It was a full day event sponsored by new gTLD of the applicants. And they went through probabilities of collisions, mitigation proposals. And the folks from the ANA also presented in the afternoon.

I got up on multiple occasions and quoted from the business constituency concerns and comments on collision.

And I think we sounded entirely reasonable and tried to be fact-based and I put my programmers hat on to wallow in the weeds of DNS resolve our protocols a little bit because I think we needed to.

There were three points the BC made. And what I would characterize is an audience that's hostile to the notion that collisions are of any consequence at all.

The first point I made is that there are costs and consequences of collisions and those are more important than worrying about the probability or the parts per million as they say. Because if there's only 50,000 collisions over a two day period they're claiming that that's a low enough of probability that the risk has been mitigated.

If some of those 50,000 collisions occur in your business or mine the costs and consequences become the whole story because if it happens to you the probability just went to 100%.

So I think they bought the point that minimizing is not the same as mitigating.

Number two, I asked this killer question that we had in the BC comments which is the staff plan says that the high risk strings -- those are corp and home right now -- and the undeterminate risk strings -- roughly 20% of them -

- can simply move to delegation if they provide evidence to staff that they've reduced collisions to an acceptable level. That's in the plan.

And as the BC and (net choice) and others pointed out there's no process to determine what is an acceptable level especially once we're underway and the collisions had actually had consequences we really want to understand that.

The answer I got back was very troubling. A couple of the members of the panel said that as long as there were no more collisions than we had with .Asia they would assume that it was acceptable risk.

So they're making everything relative, relative to parts per billion, relative to previous delegations and they're not really worried about consequences.

And the final BC point I made was that we need a process to monitor the actual consequences -- business interruptions and costs.

We might have to monitor how long it takes for businesses to change their internal system to stop referencing things like .mail.

And we need a process for ICANN to require a TLD registry to block certain second-level domains that are causing collision potentially even to temporarily undelegate a TLD if the collision's a significant problem. And that's likely to be the case with .mail based on Google's analysis.

I'm happy to take comments on collisions right now. A lot more will happen later today when the new gTLD committee makes its decision on how to proceed. So I'll take a cue on questions on collisions and then we'll move on.

Marilyn Cade: It's Marilyn and I like to be in the queue.

Steve Del Bianco: Go ahead Marilyn. Go ahead Marilyn.

Marilyn Cade: Thank you Steve. But I just want to be careful here. I don't have a client. I'm not an applicant so I, you know, I think sometimes we need to be careful in the BC as elsewhere so I have no vested interest. I'm not an applicant. None of the people I advised are applicants. But I have strong concerns about collisions.

And I just want to comment about this. The event that was held, that's - that event was mostly as far as I can tell affected parties.

But there's still a series of studies and analysis that indicates that there are risks and concerns. And for business users we typically need to be cautious and error on the side of limiting risk as oppose to introducing risk.

Can you comment on not about that event which was a semi-social event organized by affected parties that want to be - they're kind of the wannabes, wannabes?

But could you comment on the broader issue of the input and the public forum that indicate risks and additional research or indicate that there's no need for additional research?

Steve Del Bianco: Yes thanks Marilyn, great comment. So you used to keywords is that we're discussing risks and concerns. And risk is a probability measure.

And in good faith the new TLD applicants and ICANN staff in management - and I talked with Akram about this on Tuesday night -- they believe that managing risk is just getting the probability of a collision down to a level that

we've seen before in other TLDs for two days of Internet day in the life of the Internet. And that's 50,000 queries.

So they're looking at the word risk as probability and the word concerns that everyone is expressing are being translated to this notion of probability of risk.

We have to change that conversation to talk about consequences. What are the consequences when a collision does occur in terms of business interruption and costs to remediate?

We just have begun that conversation. And that is the only way forward is to come up with actual evidence of consequences.

So the companies on this call, the trade associations on this call that have members the time is now to learn about specific consequences of a collision.

If your business is using .mail your business is using any of the new TLDs and internal resource naming we need to know about it.

One of the examples I cited at the event is that Mikey O'Connor hosts corp.com but he has no content there but he gets over 10,000 queries a day at corp.com because it's part of an internal resource name used by the US Renal Care Company in Ohio.

And the IP addresses are from places all over Ohio. And we don't yet know what the consequence will be when those start to resolve at .Corp. and how that would affect the US renal care which is the dialysis company's operation.

So we need consequences and we have to stop talking about probabilities because probabilities are irrelevant if you're one of those 50,000 collisions occur.

All right let's move onto any other comments on collision? Great. I'll send email out later today once the new gTLD program committee discusses it.

Numbers one and two under public comment I'll simply ask are there any volunteers who want to weigh in on the DNS risk management framework report?

Any volunteers who want to help us on the consultation and the re-delegation of gTLDs?

Marilyn Cade: Steve it's Marilyn. I'm not volunteering but on the risk management if you sent an email specifically out to Jeff Bruggeman and Scott McCormick they may not have noticed the general call but both of those parties were previously engaged in risk management.

Steve Del Bianco: I'll do that. I'll send it to Scott and to Jeff B. Thank you.

All right I'll move on to number three. This is the - I have three substantive items, see if I can move very briskly here.

The first is the draft final report on protecting IGOs and INGOs. Those are intergovernmental organizations and international nongovernmental organizations, things like Red Cross and Olympics, so the beginning but they're just the tip of that iceberg since there are hundreds of other acronyms seeking the same kinds of protection at the top level and at the second level and not just new TLDs but all TLDs.

I have already circulated what Elisa Cooper and I thought were appropriate responses for the BC. And for the most part we believe that the governments and IGOs and NGOs in terms of protections at the top level but we do not agree that they permanently park as ineligible for delegation some of the strings in their list, examples like CAN, ISO SCO, ISC, ECO. Those are strings that we believe the nongovernmental organizations and governments can protect through right objections. And they need not add them to a reserve name list.

So we submitted that for BC to consider. I've asked everyone to reply how they feel about it. We've had eight members who've signaled support for the draft positions Elisa and I put in.

And Marilyn, I want to give you an opportunity to explain your objection. You didn't like the idea of a blanket statement of objection although that's not what Elisa and I drafted.

And then we would need to get a volunteer to turn that table into an explanation, a textual comment. And that would be due by October 11.

What I had proposed earlier is that BC members weigh in but I think I said October 7 over the weekend so we can wrap up the BC's yes or no position. But then we need a few days to draft a textual comment which all of you would have to review as well.

So Marilyn before I look at the general queue would you explain your concern over the draft position that eight of us have agreed on?

Marilyn Cade: Thank you. Actually, you know, I agree with the majority of our comments but there were maybe three or four areas where I didn't agree and thought we weren't coming across as ignoring the concerns of the governments perhaps with some naivete.

So I don't know, I think it was 75% of the comments, maybe 80% I agreed with and then I raised a question about a limited number.

Steve Del Bianco: Like fees for instance. And the key Marilyn would be how we write up the text because Elisa and I only this sort of...

Marilyn Cade: Right.

Steve Del Bianco: ...well, you know, item by item. And then when we explained it. We have to include sensitivity to their concerns when we explain our position right? Would you...

Marilyn Cade: Yes.

Steve Del Bianco: ...help us to write that text?

Marilyn Cade: Right but let me comment about these in particular. I don't think the business constituency looks good or is actually effective to object to the idea that we want to charge government fees to (find) objections.

If the objection criteria is transparent and validated governments often cannot provide fees. I'm just - so guys I'm not going to ask you to, you know, agree with me but look I'm trying to go to the - a UN meeting next week. And the US government can't go because they can't pay the fee.

And you don't want to exclude governments. So I'm very concerned about something like are the business community objecting and asking that government's have to provide objection fees.

We should focus instead on what's the criteria for the objection? And then if governments don't have to pay a fee there's still a criteria we're in agreement with.

Steve Del Bianco: Okay. Any other comments on the IGO NGO other than what people have said in the list? No need to repeat all those.

All right thanks. Then over the weekend I will repeat the call for help of volunteers to draft the text.

Marilyn I'm going to see if I can convince you to help us with that since you can write with sensitivity for the government's concerns.

Are there any other volunteers who would help on that? Great thank you.

Next item up the study of Whois privacy and proxy abuse. Initial comments are due the 22nd October so we have some time but this is critical to us.

The BC was the most vocal advocate for this study. And the results that came back from the experts really verified the BC's suspicions that lots of bad actors do use privacy or proxy to avoid being identified both by the companies that are victimized and by law enforcement.

This is a long report and it identifies many other things that bad actors do to avoid detection. Like when they don't use privacy and proxy they just make stuff up and stick it in Whois.

So there's lots of ways to get around it and it's not clear yet what the implications are for further study by the experts or how policy would be informed.

This is all part of something that John Berard has said many times at council is that we should make decisions on policy based on fact not on fears. And here we have a fact-based study.

So let me call now is there anybody on the BC on this call I should say who would help us to analyze that report and draft just a page or two of BC comments for further study and policy implication?

Elisa Cooper: Yes Steve I can help with that.

Steve Del Bianco: Let's go beyond the list of usual suspects. Who else on the call can help Elisa and I with it?

Marilyn Cade: And I'm sorry it's Marilyn. Can you just see again what you want - what you're looking for?

Steve Del Bianco: The study on this is Item 4 on the policy calendar today. It's the Whois study on privacy and proxy service abuse.

Marilyn Cade: Right.

Elisa Cooper: I'm sorry Steve...

Steve Del Bianco: Go ahead Elisa.

Elisa Cooper: I'm sorry. Did you hear me before that I would be willing to do it?

Steve Del Bianco: I did. Thank you Elisa.

Elisa Cooper: Oh.

Steve Del Bianco: And that's why I said is there anybody beyond the usual...

Elisa Cooper: I'm sorry I'm having - I'm sure you can all tell I'm sick and so I'm sorry I couldn't hear you.

Steve Del Bianco: No thank you. And so Marilyn they request is to not only read the study but to assist in drafting BC comments to answer the questions that the study authors put forth.

Marilyn Cade: Right. I was just going to say that actually there is a lot of rich information from - and companies like Verizon and various others.

And they might not be on the call but they are BC members so you might get additional people from a further BC outreach.

Steve Del Bianco: Jim, could you check with (Sarah) on that and see whether she'd be interested in participating? I will also write to (Jeff) at AT&T and (Susan) and Facebook.

Jim Baskin: Yes. I'll talk with (Sarah).

Steve Del Bianco: Thank you Jim. I appreciate that. All right moving quickly there's another public comment on public interest commitments and the dispute resolution procedure that would be used.

The comments are due on 23 October. The BC was really key to getting ICANN to require public interest commitments be enforceable as part of a registry contract.

And now that they're in there we're down to the process that will be used if we believe that a registry like .bank is not adhering to what it said it would do and you've moved your bank from .com to .bank counting on it and now you need to hold them accountable to their public interest commitments. How does it dispute process work?

To me this is critical to the business interest of registrants and the customers who are the users. The BC has got to comment on this one. This is Item 5 on my policy calendar and...

Gabriela Szlak: Steve can you tell the deadline for this one? This is Gabi.

Steve Del Bianco: Thanks Gabi. I was just asking for a volunteers on this. And Gabi were you putting your name in the hat or did you ask me a different question?

Gabriela Szlak: Oh I was trying to volunteer myself but I wanted to know the date in order to be able that I'm going to be able to do it because I have many time constraints.

Steve Del Bianco: Thanks Gabi. Comments are due by the 23rd of October. So we need to get at least a draft outline of our comment circulated to our members very soon so we can give them 14 days to look at it.

So I would say that in the neighborhood of you've got about five days to do a quick review of their dispute resolution procedure and I'm happy to assist you at analyzing that.

Gabriela Szlak: Okay so I'm the volunteer for this one.

Steve Del Bianco: Thank you Gabi. Anjali I think this would fit squarely with better business bureau services if I could attempt to you Anjali to give a look at this?

Anjali Hansen: Sure.

Gabriela Szlak: Anjali...

Anjali Hansen: I want - yes. If you could just send me an email off list. I do want to volunteer. I didn't volunteer for that last thing because I think it's - there's others that are a little bit more expert on that but sure.

Steve Del Bianco: Thanks Anjali and Gabi I'll send you both a follow-up on that okay? Thanks everyone.

Let me skip over channel two and three -- you've already covered it -- and go straight to the singular plural the last item on this call. I know were at 12 o'clock.

I've given you what staff said about singular plural. We already have an active letter that's being circulated.

I'm going to recommend that we add to that letter a quote from the GAC advice from Beijing where they talked about consumer confusion.

And I might even recommend we quote from the council letter suggesting that those procedures were not followed on string confusion.

And if I was to circulate that to the group and online but is there anybody who wants to comment on our singular plural concerns on this voice call before we wrap it up?

Hearing none back to you Elisa and I think we're done with policy.

Elisa Cooper: Thank you so much Steve. That was great.

Well we're out of time so I want to thank everyone for joining today. We've got a lot of work ahead of us. But we do have another call scheduled in two weeks' time so we'll be able to check in where things stand.

And I wish all of you a good day and we'll talk again soon. Thank you so much.

END