The ICANN GNSO Business Constituency

ICANN 61 SAN JUAN

Welcome to Puerto Rico and ICANN61!

News from the Chair

On behalf of the ICANN Business Constituency (BC), dedicated to the interests of business users of the Internet and the future of business growth on the Internet, welcome to Puerto Rico and ICANN 61!

ICANN 61 kicks off a very busy 2018 for the ICANN Community! In 2018 work will continue around the European General Data Protection Regulation (GDPR) and its impact on WHOIS. Since GDPR will enter into force on 25 May 2018, these next few months will be key to finding the right way forward to ensure the contracted parties are able to comply with the law without breaching their agreements with ICANN. This will be though not the only topic in ICANN. Other important issues and priorities include: New "GTLD Subsequent Procedure PDP"; "curative rights PDP" and finally cross Community

Working group on Accountability, which includes issues such as "transparency" and "jurisdiction".

ICANN 61 will be the first "Community Forum" of the year and will also be focused apart from policy issues on outreach, capacity development, and showcasing ICANN's work to a broader global audience. Recognizing that the internet affects business users all over the world, the BC is thrilled to expand outreach to the broader business community and particularly in the Latin America Region. In this respect, the BC will be attending outreach event at the ICANN 61 meeting. The BC welcomes all business and commercial users to join us to learn more about what the BC does and how members in the BC positively engage in the community. The BC values

geographical diversity and involvement of women in the community!

The BC continues to play its part to make sure the ICANN community is every day more transparent and accountable. The BC remains committed to helping strengthen the multi-stakeholder model that has helped build the successful, global, and business-friendly Internet community we have today. And we look forward to more and deeper engagement of new potential members in new places, from San Juan to Panama and Barcelona where the next ICANN meetings will be held.

Claudia Selli, BC Chair

For more information regarding the BC, please go to our updated website at **bizconst.org**.

Policy Perspective
Policy Performance in 2017 & 2018

By Steve DelBianco, Vice Chair for Policy Coordination

A s we begin a new year at ICANN, let's first recap the BC's policy performance in the prior year. Thanks to a growing and active BC membership, we achieved some milestone measures in 2017:

• The BC submitted 36 comments and statements in 2017, up from 28 in the prior year. Far as we can tell, the BC's contribution was the most among all ICANN stakeholder groups and advisory committees.

• 31 different BC members contributed to comment drafting and editing, up from 23 in 2016.

• 7 of the 31 BC contributors were participating in comment drafting for their first time. This demonstrates how the BC helps new business participants to become active ICANN community members.

Given that so many ICANN issues go on for years (and years), it's no surprise that many 2017 topics and issues will carry over into 2018. This includes:

• **Reconciling Whois** (ICANN's legacy method to identify domain name registrants) with the EU's General Data Protection Regulation (GDPR). The BC advocates an approach to GDPR compliance that preserves legitimate uses of Whois data to protect business users and registrants from confusion and fraud. In that regard, we are swimming against a rising tide of privacy protection. And time is running short since the GDPR takes effect in May 2018. But you can rely on the BC to stay engaged with substantive comments and suggestions all along the way.

• **Security, Stability, and Resiliency** Review (SSR). The SSR review is led by community members, just like the other three specific reviews required in ICANN bylaws. But in late 2017, the ICANN board "paused" the review because of concerns about scope of work. At ICANN60, the BC pressed the board to agree that the ICANN community alone has the authority to "resume" the SSR review. In 2018 we need to work with other community leaders to address any concerns about scope and review team skills so this review can resume its work.

• **Financial resiliency for ICANN.** The BC wants ICANN to maintain sufficient operating reserves to cover periods of lower-than-expected fee revenue, or expenses that exceed income. We are pressing ICANN to fund its operating reserve to cover at least 12 months of expenses, and would prefer 17 months.

During 2018, we will seek community approval and board acceptance of several accountability improvement recommendations as part of Work Stream 2 of the IANA transition. If the community reaches consensus, then ICANN's new bylaws require the board to implement those recommendations, unless two-thirds of the board votes to reject. This is therefore a unique opportunity to get significant accountability improvements, and deserves our attention in 2018.

Also in 2018, the BC will need to advocate for general business interests in multiple reviews and working groups planning for subsequent expansions of the gTLD space. ICANN relies on BC members to participate in these working groups and review teams, in order to bring the business perspective into focus.

That's the real role of the BC: to bring the focus of business users and registrants into policy debates at ICANN. A business focus is a necessary element in the ICANN community, in order to balance against the perspectives of registries, registrars, governments, civil society, and the ICANN organization itself.

If you share that business perspective, come join our meetings in San Juan and consider becoming part of the ICANN Business Constituency.

Steve DelBianco, Vice Chair for Policy Coordination

Report from the BC's Councilors
GNSO Strategic Planning Meeting

By BC Councilors Susan Kawaguchi and Marie Pattullo

As the body responsible for managing policy work for generic top-level domain names, the GNSO Council started the year with a special meeting to plan our strategy in the new post-transition world. This was about the third time the Council has met outside of an ICANN meeting to focus on a review of its work and both Marie Pattullo and Susan Kawaguchi attended. The Empowered Community (EC) and the new by-laws have increased the responsibilities of the GNSO Council but these are not clearly defined. The Council discussed the role of the Chair in the EC, the Customer Standing Committee and the process to select candidates for Review team members in concert with the other SO/AC's.

With policy development processes (PDPs) ranging from subsequent procedures (planning for the next round of gTLD applications) to curative rights for IGOs and NGOs (what happens if someone misuses an international organisation's name), the first thing we need to do is ensure that our operating procedures and governing bylaws are up to date. It is important to stress that the GNSO Council is representative of, and not in charge of, the various stakeholder group and constituencies from which it is drawn: engagement in the process is open to all.

Of especial importance to the Business Constituency is maintaining transparent and effective Council procedures so that we have strong two-way communication between Council and all BC members as well as full engagement in Council's decision making.

Good governance must be at the heart of our work, including the correct management of timelines and resources. The volunteers who populate ICANN's working groups deserve a clear idea of the commitment involved and while it is vital to hear all points of view, the Chairs must manage the expectations of the wider community as to delivering reports for their consideration. Liaisons between the Council and the working groups are there to help the Chairs with this difficult process.

At the same time as ICANN's reach is expanding globally and its responsibilities have been enhanced with the oversight and accountability functions of the Empowered Community, we are dealing with a tightened budget. Our duty to the entire DNS community must not only be to develop effective policies, but policies based on practical solutions and with structured key production indicators. We have to deliver that which we promise.

Together with all parts of the community and DNS industry, the Council is actively engaged with ICANN Org to ensure the community's voice is heard in developing an interim solution to replace the current WHOIS system. The BC advocates for any party with legitimate reasons should continue to have access to data about the owners of domain names once the EU's General Data Protection Regulation comes into effect in May.

While there are of course valid privacy concerns surrounding WHOIS, the domain name directory, this must be balanced against the consumer's right to know with whom they are sharing their details or investigators' abilities to fight against intellectual property infringement or cybercrime. At the same time, we need to step up the policy work to find a permanent solution going forward, in particular through the Registration Directory Services PDP.

Challenges for the Business Constituency, and the GNSO in 2018, will therefore include balancing external expectations with internal agreement. If we are to deliver practical improvements to the DNS we should continue to work transparently, conscientiously but above all collegiately.

**BC Councilors
Susan Kawaguchi & Marie Pattullo**

ICANN Multistakeholder Organizational Chart

ICANN Board of Directors

Top row Left to Right: Göran Marby – President & CEO, Cherine Chalaby – Chair (NomCom), Chris Disspain – Vice Chair (ccNSO), Becky Burr (GNSO), Ron da Silva (ASO), Maarten Botterman (NomCom), Sarah Deutsch (NomCom), Avri Doria (NomCom), Matthew Shears (GNSO), Leon Felipe Sanchez Ambia (At-Large)

2nd row Left to Right: Khaled Koubaa (NomCom), Rafael Lito Ibarra (NomCom), Lousewies van der Laan (NomCom), George Sadowsky (NomCom), Manal Ismail (GAC Liaison), Mike Silber (ccNSO), Akinori Maemura (ASO), Ram Mohan (SSAC Liaison), Jonne Soininen (IETF Liaison), Kaveh Ranjbar (RSSAC Liaison)

Generic Names Supporting Organization (GNSO)
(see following page)

Heather Forrest (Chair)
Donna Austin (V. Chair)
Rafik Dammak (V. Chair)

Country Code Names Supporting Organization (ccNSO)

Katrina Sataki (Chair)
Byron Holland (V. Chair)
Demi Getschko (V. Chair)

Address Supporting Organization (ASO)

Aftab Siddiqui (Chair)
Ricardo Patara (V. Chair)
Kevin Blumberg (V. Chair)

Government Advisory Committee (GAC)

Manil Ismail – (Chair)
Vice Chairs: Mark Carvell
Milagros Castanon Seoane
Ghislain de Salins
Guo Feng
Par Brumar
Cherif Diallo

Security & Stability Advisory Committee (SSAC)

Rod Rasmussen (Chair)
Julie Hammer (V. Chair)

Root Server System Advisory Committee (RSSAC)

Brad Verd (Co-Chair)
Tripti Sinha (Co-Chair)

At-Large Advisory Committee (ALAC)

Alan Greenberg (Chair)
Bastiaan Goslings (V. Chair)
Maureen Hilyard (V. Chair)

Technical Liaison Group (TLG)

Francisco deSilva
Howard Benn
Reinhard Scholl
Jie Zhang
Wendy Seltzer
Daniel Dardailler
Paul Wouters
Warren Jumari

Internet Engineering Task Force (IETF)

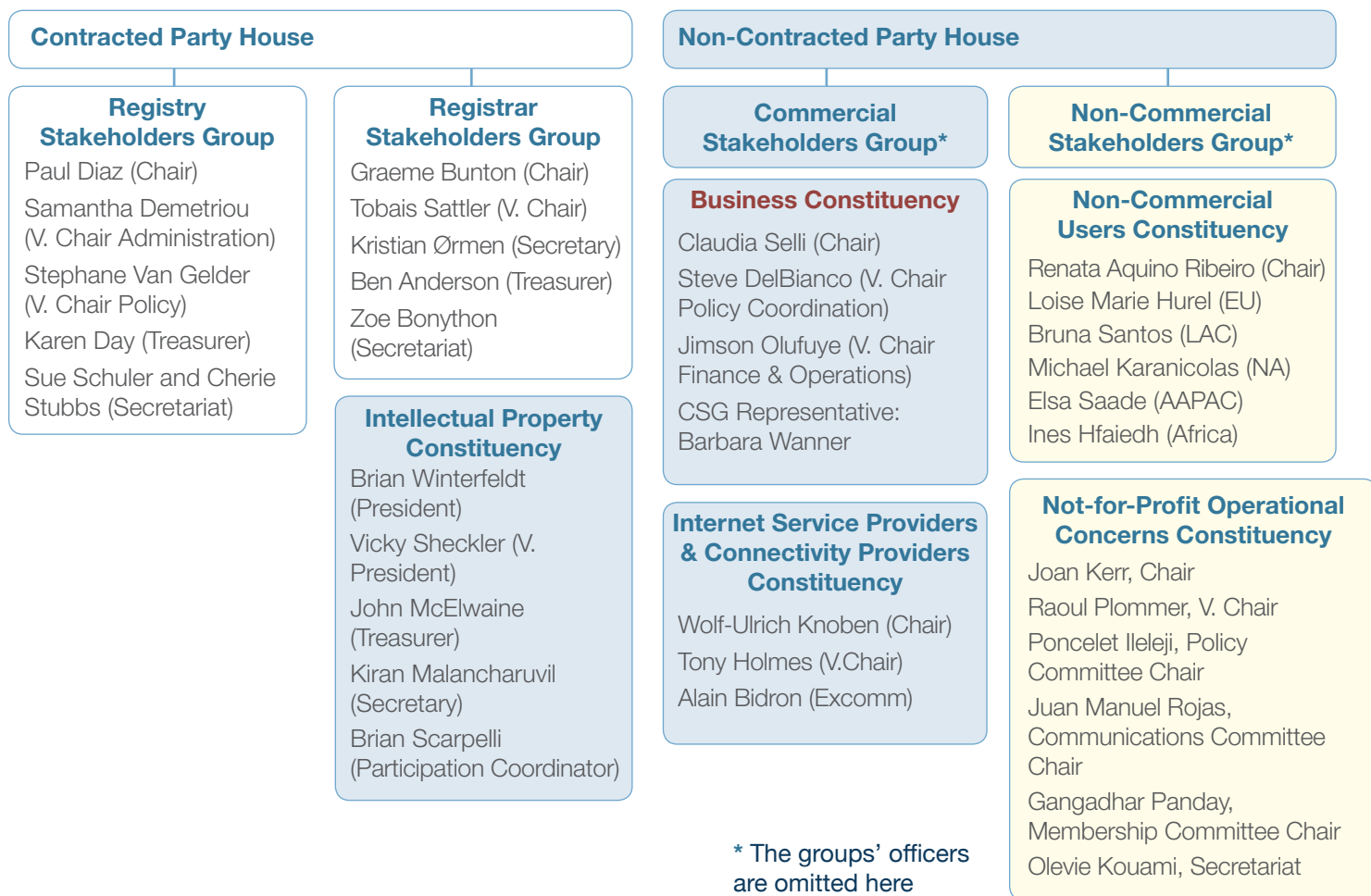Jari Arkko (Chair)

Nominating Committee 2017

Zahid Jamil (Chair)
Damon Ashcraft (Chair-Elect)
Hans Petter Holen (Associate Chair)

Ombudsman

Herb Waye

GNSO Stakeholder Groups, Constituencies & Council

The GNSO Council is responsible for managing the policy development process of the GNSO.

Contracted Party House Councilors

Registry Stakeholder Group
Donna Austin, V. Chair GNSO Council (APPAC)
Keith Drazek (NA)
Rubens Kuhl (LAC)

Registrar Stakeholder Group
Pam Little (APPAC)
Darcy Southwell (NA)
Michele Neylon (EU)

Nominating Committee Appointees
Theo Geurts
Jon Nevett
Anriette Esterhuysen
Cheryl Miller
Jay Sudowski
Jonathan Cohen
Leah Synekher

Liaison and Observer
Olivier Crepin Leblond, ALAC Liaison (EU)
Patrick Myles, ccNSO Observer (APPAC)

Non-Contracted Party House Councilors

Commercial Stakeholder Group
Commercial and Business Users
Susan Kawaguchi (NA)
Marie Pattullo (EU)
Intellectual Property Interests
Heather Forrest, Chair GNSO Council (AAPAC)
Paul McGrady (NA)
Internet Service and Connection Providers
Tony Harris (LAC)
Philippe Fouquart (EU)

Non-Commercial Stakeholder Group
Rafik Dammak (Vice Chair)
Farzaneh Badii (NA)
Stefania Milan (NA)
Marilia Maciel (LAC)
Tatiana Tropina (EU)
Stephanie Perrin (NA)

Contracted Party House

Registry Stakeholders Group
Paul Diaz (Chair)
Samantha Demetriou (V. Chair Administration)
Stephane Van Gelder (V. Chair Policy)
Karen Day (Treasurer)
Sue Schuler and Cherie Stubbs (Secretariat)

Registrar Stakeholders Group
Graeme Bunton (Chair)
Tobais Sattler (V. Chair)
Kristian Ørmen (Secretary)
Ben Anderson (Treasurer)
Zoe Bonython (Secretariat)

Intellectual Property Constituency
Brian Winterfeldt (President)
Vicky Sheckler (V. President)
John McElwaine (Treasurer)
Kiran Malancharuvil (Secretary)
Brian Scarpelli (Participation Coordinator)

Non-Contracted Party House

Commercial Stakeholders Group*

Business Constituency
Claudia Selli (Chair)
Steve DelBianco (V. Chair Policy Coordination)
Jimson Olufuye (V. Chair Finance & Operations)
CSG Representative: Barbara Wanner

Internet Service Providers & Connectivity Providers Constituency
Wolf-Ulrich Knoben (Chair)
Tony Holmes (V.Chair)
Alain Bidron (Excomm)

Non-Commercial Stakeholders Group*

Non-Commercial Users Constituency
Renata Aquino Ribeiro (Chair)
Loise Marie Hurel (EU)
Bruna Santos (LAC)
Michael Karanicolas (NA)
Elsa Saade (AAPAC)
Ines Hfaiedh (Africa)

Not-for-Profit Operational Concerns Constituency
Joan Kerr, Chair
Raoul Plommer, V. Chair
Poncelet Ileleji, Policy Committee Chair
Juan Manuel Rojas, Communications Committee Chair
Gangadhar Panday, Membership Committee Chair
Olevie Kouami, Secretariat

* The groups' officers are omitted here

BC Report
NCPH Intersessional Meeting 2018

By Barbara Wanner, BC Representative to the CSG Rep

Los Angeles, California served as the venue for the 5th Non-Contracted Party House (NCPH) Intersessional on 1-2 February 2018, a gathering that brought together seven delegates from each of the six Commercial Stakeholder Group (CSG) and Non-Commercial Stakeholder Group (NCSG) constituencies.

The two-day gathering, facilitated by ICANN staff Benedetta Rossi and Mary Wong and featuring Business Constituency (BC) Chair Claudia Selli along with other constituency leaders, served as a dedicated forum for discussions about DNS policy and procedural "in-house" issues that regular ICANN meetings often cannot accommodate.

Overall, the meeting was notable in highlighting the two houses' shared values and potential for collaboration, but also indicating some challenges posed by NCPH diversity.

GDPR/WHOIS

Importantly, February meeting enabled the two houses to explore with ICANN CEO Göran Marby and members of the Board many concerns – both shared and differing – about the implications of the May 25, 2018 implementation of the EU's General Data Protection Regulation (GDPR) on ICANN's WHOIS database policies and the contractual obligations of Registries and Registrars. These discussions were especially timely in view of the ICANN's plan to select an interim GDPR-compliant WHOIS model by mid-February. CSG and NCSG representatives co-led discussions that considered both

short- and longer-term approaches to ensuring compliance with the GDPR while maintaining the existing WHOIS system to the greatest extent possible.

The CSG underscored the importance of active community involvement in accelerating work already underway to develop a more durable compliance model to replace the interim approach. Such work would include the Registry Directory Services Policy Development Process (PDP), the Privacy & Proxy Services Accreditation Issues PDP, and updates to the procedures on WHOIS Conflicts with National Privacy Laws. The NCSG suggested that such work be suspended.

Both Stakeholder Groups acknowledged, however, that GDPR compliance likely will involve some form of tiered access to WHOIS. This approach would restrict the public view of detailed registrant data, but allow "accredited" parties (e.g. law enforcement agencies) with access under certain conditions.

Topics also explored in NCPH Intersessional Plenary sessions included:

New gTLDs Subsequent Procedures

The NCPH agreed on the importance of revising the gTLD applicant guidebook to curb the efforts of some governments to restrict DNS users rights to apply for Top-Level Domain names that include words with geographic meaning.

Rights Protection Mechanisms (RPM) in all gTLDs

Delegates concurred that the work of the RPM Working Group could be improved by using smaller sub-groups to tackle elements as well as undertaking an educational session on best practices in conducting PDPs.

NCPH Procedural In-House Issues

The CSG and NCSG will endeavor to develop procedures governing the selection of a GNSO Vice Chair as well as the selection of a NCPH-designated Board seat in time for ICANN 62.

Role of the ICANN Board and Supporting Organizations and Advisory Committees (SO/ACs)

in Community-Driven Reviews

Delegates agreed on the importance of the NCPH providing inputs to shape the Terms of Reference determining the scope, review criteria, and the qualifications for the independent examiner of the 2019 GNSO review.

Expanding Transparency at ICANN Legal

In the interest of finding a new formula to ensure greater transparency of ICANN Legal with respect invoking attorney/client privilege for various processes, there was a consensus that the Transparency Subgroup Rapporteur will work with ICANN staff to determine how to use upcoming CCWG Accountability plenaries to incorporate the Minority views in the Transparency Subgroup report before that report goes back to the community for final review.

Workstream 2 Updates

All Stakeholder Groups agreed on the importance of finding common ground on issues still dividing the community to ensure that all Workstream 2 work is completed by the first half of 2018.

CSG and NCSG Constituency Delegates thanked NCPH leaders and ICANN staff for the high-quality preparations and staff support that contributed to fruitful discussions in Los Angeles.

Barbara Wanner, BC Representative to the CSG Rep

Did you know?

It's not just countries that have domains. There are an increasing number of local domains, such as .london, .cymru and .berlin. The most popular city domain name is .nyc, which has more domain registrations than Thailand's country code.

There are over 143.6 million country code domain names restored around the world. One of the largest growth areas is China, where almost 4 million new .cn domain names have been registered since 2016.

Domain name registrations don't always correspond with population sizes. Little liechenstein (.li) has 169.1 domain registrations per 100 people, while America's .us only has 0.7 domain registrations for every 100 people. There are various reasons for the interest in .li – it is a popular Chinese surname; some American companies use it to mean Long Island, while li is also a common word ending in Russian.

Jon Postel, one of the early founders of the internet, used to keep an informal, hand-written list in his office of whose job it was to manage domain names in each country.

The Benefits of BC Membership

The Business Constituency (BC) is the voice of commercial Internet users within ICANN – the Internet Corporation for Assigned Names and Numbers.

Business users rely on a stable and secure Internet and e-commerce experience, one that serves their users and customers on a global basis. Through your participation in ICANN, and in the Business Constituency, your company will make a difference on behalf of business.

BC members contribute as:

- participants on the BC e-mail list to learn about and debate issues
- participants on telephone conferences to reach consensus on key issues
- participants at physical meetings coincident with ICANN global meetings
- issue managers on specific topics
- bridges for information flow between other GNSO constituencies

The mission of the BC

The Constituency fully represents the views of the Internet business user community.

ICANN policy positions are consistent with the development of business via an Internet that is stable, secure and reliable while promoting consumer confidence.

ICANN policy positions derive from broad stakeholder participation in a common forum for suppliers and users.

BC Executive Committee

Chair
Claudia Selli

Vice Chair Policy Coordination
Steve Del Bianco

Vice Chair Finance & Operations
Jimson Olufuye

CSG Representative
Barbara Wanner

GNSO Councilor
Marie Pattullo

GNSO Councilor
Susan Kawaguchi

Nominating Committee (NOMCOM members)

Large Business Seat
Cheryl Miller

Small Business Seat
Jay Sudowski

BC Credentials Committee:
Andrew Mack, John Berard, Arinola Akinyemi, Adetola Sogbesan, Lawrence Olawale-Roberts

BC Finance Sub Committee:
Jimson Olufuye (Chair)
Marilyn Cade
Chris Chaplow
Arinola Akinyemi

Outreach Committee Members:
Andrew Mack (Coordinator)
Gabriela Szlak, Marilyn Cade,
Lawrence Olawale-Roberts,
Omar Mansoor Ansari, Adetola
Sogbesan, Arinola Akinyemi

BC Secretariat:
Chantelle
Doerksen

If you would like to become a member of the BC, please contact the BC Secretariat at: info-bc@icann.org

Join the BC:
www.bizconst.org/joinus.htm

www.bizconst.org