

# The ICANN GNSO Business Constituency



ICANN  
69

## Welcome to ICANN69!

VIRTUAL  
ANNUAL GENERAL

By Jimson Olufuye

**W**elcome to ICANN69, our 3rd COVID-19 induced Virtual ICANN Meeting and to another special edition of your popular ICANN Business Constituency (BC) Newsletter.

This edition is special because it is my last edition as the Vice-Chair, Finance and Operations of the BC having taken over its editorial on my election in January 2014. Produced to coincide with every ICANN meeting (except on few occasions) since June 2003, this is therefore the 44th edition since its inception and the 23th during my tenure. For a review of past editions, please visit:

<https://www.bizconst.org/newsletter>

Over the past 7 years, I've had the pleasure of working with many remarkable BC Officers and members who have contributed significantly to the content of the Newsletter over time including Marilyn Cade and Chris Chaplow (who I succeeded as Vice-Chair, F/O); former BC Chairs Elisa Cooper, Chris Wilson, Andrew Mark, current Chair, Claudia Selli, Barbara Wanner, our dynamic Commercial Stakeholder (CSG) Representative and the sagacious and erudite Vice Chair Policy Coordination, Steve DelBianco. Another key source of content has been the BC Outreach reports evolving from the annual BC Outreach Strategy.

It is interesting to note that I joined the BC through the Africa ICT Alliance - AfICTA, being the first African organization member of the BC. Over the period of my membership, 12 new members (19% of membership) have joined the BC thereby broadening the diversity of the BC as a representative of global business users (running into millions of businesses both Large, Medium and Small companies) of the Internet in the ICANN Community.

Apart from being the editor of this Newsletter, I've had the pleasure of overseeing BC Finances and Operations in line with Section 2.5.2 of the BC Charter. I also contributed to a number of BC

*continued over page >>*

>> *continued from front page*

public comments which I found in most cases to be educative and stimulating; and in sync with my interest in the BC which is to ensure that ICANN Policy position promotes an Internet that is technically stable, secure and resilient.

Indeed, the BC, in my opinion, has played a pivotal role in assuring that ICANN-BC mission; and in seeing to the crucial transition of the USG oversight stewardship of the Internet Assigned Numbers Authority (IANA) function to the global Internet Community on October 1st, 2016.

Of real concern to global business including businesses in the developing countries however is the impact of the EU General Data Protection Regulation (GDPR) to legitimate access to Whois data for business survival. Since access to WHOIS database has been cut off on May 25, 2018, efforts have been made to engender an orderly access to the data but sadly nothing is working. It is my hope that a balanced solution would be arrived at. In fact, one of our members who actively engage in the expedited Policy Development Processes (ePDP1&2) Alex Deacon, penned an interesting article contained in this edition that illuminates the state of the process and business concerns for the outcomes for which mitigating DNS Abuse and Cybersecurity challenges are apparent gaps.

I'd like to pay tribute to Phillip Shepherd and Gary Hills of AIM, who started the Newsletter in 2003; to Chantelle Doerksen, the BC Secretariat and Cheryl Gatward, the designer; and many others not mentioned here who had contributed to the Newsletter's success story over time. I say thank you for your service to the Community as I do look forward to the sustenance of the rich content of the Newsletter going forward.

Do keep safe and well; and 'enjoy' ICANN 69!

## Too Little, Too Late?

Why ICANN's  
proposed  
WHOIS  
access system  
isn't worth it

By Alex Deacon, [Cole Valley Consulting](#)

[Note: This is an abridged version of an article originally published [here](#).]



**A**fter two years of grueling, complex and contentious debate, the ICANN EPDP team delivered its **Phase 2 Final Report on July 31st, 2020**. Unfortunately, and disappointingly, the policy recommended for the so-called “System for Standardized Access/Disclosure” (SSAD) fails to meet the needs of the users it supposedly is designed to benefit.

### Assessing the Value

Since the EPDP team delivered its final report, I've spent a lot of time reflecting on both the process and on the outcome. Personally, the issue that resonates with me most is the question of value.

Put yourself in the shoes of a typical SSAD user such as a cybersecurity investigator or an intellectual property owner. How much value is there in a system that...

- often delivers inaccurate data.
- misapplies the GDPR by allowing the redaction of legal person data.
- is not timely, especially for issues related to consumer protection where access to data to properly investigate and remediate cybersecurity attacks is required on the order of hours not business days. [Rec #10]
- does not prioritize requests related to consumer protection, such as phishing.
- results in inconsistent and unpredictable access to registrant data - as 2000+ contracted parties (e.g. registries and registrars) will review

each request manually and make their own individual decisions as to disclose or not disclose.

- explicitly limits ICANN's enforcement authority, especially in cases of improper disclosure decisions.
- will, based on analysis of the existing disclosure regime, result in the disclosure of data at most 30% of the time. [1] [2]
- lacks automated or centralized disclosure decision making resulting in a system that cannot scale. [Rec #9]
- does not support a mechanism for quick and agile improvements to the system, including when required by regulation or supported by legal guidance [Rec #18]

To me the answer is pretty clear. The value and benefits of the SSAD do not come close to justifying the costs to build it and maintain it let alone use it.

### A House of Cards

This cost-benefit analysis is further complicated by policy [Rec #14] that mandates that the users of the SSAD pay for all costs of the ongoing operation and maintenance of the

SSAD. An SSAD that has little value to requestors will lead to a situation where individuals and organizations don't sign up to use it (or decide to stop using it) which leads to higher costs to use the system which, I assert, will ultimately lead to situation where ICANN will have no choice but to close it down. The policy constraints will result in what can only be seen as a sure-to-collapse house of cards. [3]

## A Disturbing Pattern

Often it is important to step away from looking at the proverbial single "tree" that the EPDP Phase 2 policy represents and look at the "forest" of ICANN policies that have also been impacted by the GDPR. When you do, a disturbing pattern emerges. ICANN's response to the GDPR will unnecessarily end up invalidating existing policy that was set and approved by the ICANN bottom-up policy development process. In summary:

- Thick WHOIS: Policy approved Oct. 2013 (seven years ago!), implemented and operationalized, but now paused with no plan on when, or if, it will continue.
- Privacy Proxy: Policy approved Dec. 2015. Implementation paused (work was about 90% complete) with no plan on when it will continue.
- EPDP Phase 1: Policy approved Feb. 2019 with Board comments/input, yet the "expedited" IRT is still working after 16 months (!) with much work still to be completed and no concrete schedule or plan to complete it. Even once approved the current timeline indicates it will take up to an additional 18 months to fully operationalize across all contracted parties.

Perhaps it is time to admit that the ICANN policy development process may not be properly suited to address complex legal issues such as the GDPR. The **minority statement** of the BC and IPC concludes with the



Perhaps it is time to admit that the ICANN policy development process may not be properly suited to address complex legal issues such as the GDPR.

following paragraph:

*"Despite the IPC and BC's best intentions, the EPDP experiment has failed. It has proven incapable of handling a purely legal issue created by the GDPR. Regulators and legislators should note that the ICANN multi-stakeholder model has failed the needs of consumer protection, cybersecurity, and law enforcement. As a result, there is a need for clear regulatory guidance for the GDPR, and to pursue alternative legal and regulatory approaches."*

While I do not believe this should be interpreted as an indictment of the multi-stakeholder process as a whole, it does indicate that that model does have its limitations. It also indicates that it would be a mistake for the ICANN community to proceed in developing and deploying an SSAD based on the Phase 2 Policy without additional regulatory guidance from the European Union or alternative regulatory approaches defined elsewhere.

## Conclusion

I have no doubt that many of my friends and colleagues will find it difficult to understand why those whose interests the SSAD was designed to

serve may decide to reject it in the end. However, it is crystal clear that the SSAD does not sufficiently serve those interests. They may also argue that the policy will ultimately result in a better experience for those requesting disclosure of non-public data. However, other than centralized request tracking functionality, it will not result in additional efficiency above and beyond the fragmented, non-standard and ineffective method that exists today.

Finally, no one should be shocked that constituencies may not support policy that is not in their interest. The ICANN model of policy development doesn't exist to define policy simply for the sake of defining policy. It exists to define consensus policy that allows ICANN to maintain the security and stability of the Internet's system of unique identifiers. It exists to ensure ICANN can meet its obligations laid out in its bylaws – including those related to registration directory services (WHOIS). It exists to ensure consensus policy can be enforced by ICANN compliance. Unfortunately, the EPDP Phase 2 Policy does not meet any of these needs.

So, we must ask ourselves – Is it worth it? I'm convinced it is not.

[1] <https://clarivate.com/markmonitor/blog/gdpr-whois-and-impacts-to-brand-protection-nine-months-later/>

[2] <https://www.appdetex.com/appdetex-whois-requestor-system-awrs-3/>

[3] [See also SSAC 112, Section 7.](#)

# Report on BC Outreach

## AGDIC Conference 22-24 October 2019

Attended By: Alaa Abou El Seoud - Global Telecommunications Technology “GTT”.



Left to right: Jimson Olufuye, CEO of Kontemporary Konsulting Ltd & BC Vice-Chair, Finance & Operations, Pierre Dandjinou, ICANN Vice-President for Africa, Ms Ida Jallow, Program Coordinator, ITU Regional Office for Africa, Alaa Abou El-Seoud, CEO GTT, BC rep.

### Overview

This is a unique conference which focused on how technologies being rapidly introduced in both developed and developing countries are creating opportunities that are speeding economic and social opportunities. We want to point out that we reached unique businesses beyond those already aware of ICANN, so we believe this was a unique opportunity for the ICANN Business Constituency to further extend our engagement with

Africa businesses.

With the theme “**Shaping Africa’s Digital Future**”, the Africa Geospatial Data and Internet Conference, 22-24 October, 2019 in Accra, Ghana, deliberated on integration of geospatial technology with industrial trends such as artificial intelligence, big data, IoT and 5G as enablers of smart national infrastructures; and demonstrated the impact of technology convergence towards digital economy and society enabling future readiness.

The conference was hosted by the Africa Open Data and Internet Research Foundation (AODIRF) in collaboration with Ministry of Lands and Natural Resources (MLNR), Ghana Statistical Service (GSS), National Development Planning Commission (NDPC), Global Open Data for Agriculture and Nutrition (GODAN), Geospatial Media and Communications (GMC) India and NASA SERVIR West.

The conference uniquely expanded the engagement of multiple ministries and



Over 1,000 participants attended this 3-day conference held in Accra, Ghana

participants from different stakeholders across Africa, recognizing that the only way to achieve the SDGs is through active engagement at national levels in accelerating the adoption of ICTs and new technologies.

In particular, through partnering with SERVIR and GONAD, the conference sought to bring to the fore the important role of geospatial information and Internet in development agendas including the United Nation's Sustainable Development Goals, African Union Agenda 2063; and key development and economic sectors for Africa including agriculture, environment, land management, mining, oil and gas exploration, urban planning, natural resource management, utilities, energy, food security, transportation, climate change, financial services and so on. Participants and speakers were drawn from industry, NGOs and civil society, technical experts, and multiple ministries to ensure that there is a multi-stakeholder audience. Over

1,000 attended this 3-day conference. In addition to the High Level session with Ministers, the Conference also had a Ministers Session, where Ministers engaged among themselves, and prepared Declarations.

## Achievements

It was a great opportunity to contribute:

- 1- As a speaker in the Plenary session **"Internet Governance: Bridging the Digital Divide"** held on 22nd Oct 2019
- 2- As a panelist in the Panel Discussion of the previous session

The attended audiences ranged from government leadership across Africa and the world, government agencies and departments, industry executives, telecommunications organizations, technical communities, civil society organisation (CSOs), Business Community, researchers, students, innovators and startups, academia, health, entrepreneurs, donors, investors, agriculture, construction, mining, finance and many others.

So it was a great opportunity to introduce the Business constituency (BC) and raise the awareness of the importance to be part of the BC and to actively participate in the development of policies that affect business directly; specially with the continuous need to adopt new standards such as Internationalized Domain Names (IDN) to enable people around the world to use domain names in local languages and scripts and also the Universal Acceptance (UA) which is a foundational requirement for a truly multilingual Internet, one in which users around the world can navigate entirely in local languages, in addition to new technology challenges such as IOT & Blockchain which are pushing current standards to evolve such as DNS (invented in 1983) to:

- **DNSSEC to address security limitations**
- **IPv6 to address IP address scarcity**
- **IDN's to support 80+ languages**

Over the 3 days of the conference we succeeded in reaching different audiences in business, young entrepreneurs from several African countries and we talked with them about the importance of being part of the BC.

We also distributed the BC brochure to ensure that the BC message was well received and maintained.

## Conclusion

I believe that the conference was quite beneficial to transmit the BC message and raise the African awareness about it's crucial role in maintaining the balance between different Internet stakeholders.

# ICANN Multistakeholder Organizational Chart



## ICANN Board of Directors

**Top row Left to Right:** Göran Marby – President & CEO, Maarten Botterman – Chair (NomCom), León Sánchez – Vice Chair (At-Large), Harald Alvestrand (IETF Liaison), Becky Burr (GNSO), Ron da Silva (ASO), Sara Deutsch (NomCom), Chris Disspain (ccNSO), Avri Doria (NomCom), Lito Ibarra (NomCom)

**2nd row Left to Right:** Manal Ismail (GAC Liaison), Danko Jevtovic (NomCom), Merike Käo (SSAC Liaison), Akinori Maemura (ASO), Mandla Msimang (NomCom), Ihab Osman (NomCom), Kaveh Ranjbar (RSSAC Liaison), Nigel Roberts (ccNSO), Matthew Shears (GNSO), Tripti Sinha (NomCom)

### Generic Names Supporting Organization (GNSO)

(see following page)

Keith Drazek (Chair)  
Pam Little (V. Chair)  
Rafik Dammak (V. Chair)

### Country Code Names Supporting Organization (ccNSO)

Katrina Sataki (Chair)  
Pablo Rodriguez (V. Chair)  
Alejandra Reynoso (V. Chair)

### Address Supporting Organization (ASO)

Oscar Robles (Chair)  
John Curran (V. Chair)

### Empowered Community Administration

Maureen Hilyard (ALAC)  
John Curran (ASO)  
Stephen Deerhake (ccNSO)  
Manal Ismail (GAC)  
Keith Drazek (GNSO)

### Government Advisory Committee (GAC)

Manal Ismail (Chair)  
**Vice Chairs:**  
Guiguemde Ragnimpinda Jacques Rodrigue, Jorge Cancio, Luisa Paez, Olga Cavalli, Tepua Hunter

### Security & Stability Advisory Committee (SSAC)

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

### Root Server System Advisory Committee (RSSAC)

Fred Baker (Chair)  
Brad Verd (V. Chair)

### At-Large Advisory Committee (ALAC)

Maureen Hilyard (Chair)  
Joanna Kulesza (V. Chair)  
Jonathan Zuck (V. Chair)

### Root Zone Evolution Review Committee (RZERC)

Duane Wessels (Chair)

### Technical Liaison Group (TLG)

Christian Toche (ETSI)  
Howard Benn (ETSI)  
Reinhard Scholl (ITU-T)  
Jie Zhang (ITU-T)  
Wendy Seltzer (W3C)  
Shadi Abou-Zahara (W3C)  
Warren Kumari (IAB)  
Tim Wicinski (IAB)

### Internet Engineering Task Force (IETF)

Harald Alverstand

### Nominating Committee 2020

Jay Sudowski (Chair)  
Ole Jacobsen (Chair Elect)  
Damon Ashcraft (Associate Chair)

### Ombudsman

Herb Wayne

### Customer Standing Committee (CSC)

Lars-Johan Liman (CSC Chair)

# 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

Keith Drazek (NA), Chair  
GNSO Council  
Sebastien Ducos (AP)  
Maxim Alzoba (EU)

### Registrar Stakeholder Group

Pam Little (AP), V. Chair  
GNSO Council  
Greg DiBiase (NA)  
Michele Neylon (EU)

### Nominating Committee Appointees (NCAs)

Erica Mann NCA (EU)  
Carlton Samuels NCA (LAC)  
Tom Dale NCA (AP)

### Liaison and Observer

Maarten Simon ccNSO (EU)  
Cheryl Langdon-Orr ALAC, (AP)

## Non-Contracted Party House Councilors

### Commercial Stakeholder Group

**Commercial and Business Users**  
Scott McCormick (NA)  
Marie Pattullo (EU)  
**Intellectual Property**  
Flip Petillion (EU)  
John McElwaine (NA)  
**Internet Service and Connection Providers**  
Osvaldo Novoa (LAC)  
Philippe Fouquart (EU)

### Noncommercial Stakeholder Group

Rafik Dammak (AAPAC), V. Chair  
GNSO Council  
Elsa Saade (NA)  
Tatiana Tropina (EU)  
Juan Manuel Rojas (LAC)  
Farell Folly (AF)  
James Gannon (EU)

## Contracted Party House

### Registry Stakeholders Group

Donna Austin (Chair)  
Beth Bacon (V. Chair)  
Samantha Demetriou (V. Chair)  
Jonathan Robison (Treasurer)  
Sue Schuler (Secretariat)

### Registrar Stakeholders Group

Ashley Heineman (Chair)  
Jothan Frakes (V. Chair)  
Owen Smigelski (V. Chair)  
Benny Samuelsen (Treasurer)  
Eric Rokobauer (Secretary)  
Zoe Bonython (Secretariat)

### Intellectual Property Constituency

Heather Forrest (President)  
Dean Marks (V. President)  
Damon Ashcraft (Treasurer)  
Susan Payne (Secretary)  
Paul McGrady (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)  
Barbara Wanner (CSG Representative)

### Internet Service Providers & Connectivity Providers Constituency

Wolf-Ulrich Knoblen (Chair)  
Jenn Taylor-Hodges (V. Chair)  
Christian Dawson (Excomm)

### Noncommercial Stakeholders Group\*

#### Noncommercial Users Constituency

Bruna Santos (Chair)  
Benjamin Akinmoyeje (AF)  
Mili Semlani (AAPAC)  
Louise Marie Hurel (EU)  
Franco Giandana (LAC)  
Michael Karanicolas (NA)

#### Not-for-Profit Operational Concerns Constituency

Joan Kerr (Chair)  
Raoul Plommer (V. Chair)  
Oreoluwa Lesi (Secretariat)  
Caleb Ogundele (Communications Committee Chair)  
Carlos Gutierrez (Policy Committee Chair)  
Ioana Stupairu (Membership Committee Chair)

\* The groups' officers are omitted here



## 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 DelBianco



**Vice Chair Finance & Operations**  
Jimson Olufuye



**CSG Representative**  
Barbara Wanner



**GNSO Councilor**  
Marie Pattullo



**GNSO Councilor**  
Scott McCormick

## Nominating Committee (NOMCOM members)



**2020 Chair**  
Jay Sudowski



**Large Business Seat**  
Paul Mitchell



**Small Business Seat**  
Lawrence Olawale-Roberts



**BC Secretariat:**  
Chantelle Doerksen

### BC Credentials Committee:

Arinola Akinyemi (Chair), Andrew Mack, Adetola Sogbesan, John Berard, Lawrence Olawale-Roberts

### BC Finance Sub Committee:

Jimson Olufuye (Chair), Chris Chaplow, Arinola Akinyemi, Tim Smith



Join the conversation on Twitter:  
[@BizConstituency](https://twitter.com/BizConstituency)

If you would like to become a member of the BC, please contact the BC Secretariat at:  
[info-bc@icann.org](mailto:info-bc@icann.org)  
or simply visit our website and register online:

[www.bizconst.org](http://www.bizconst.org)