GNSO Council Public Meeting

Wednesday 23 June 2010

Item 1 – Administrative Matters

1.1   Roll call of Council members

1.2   Update any statements of interest

1.3   Review/amend agenda

1.4   Note the status of minutes for the previous Council meeting

Item 2 – Prioritization of GNSO work

2.1   Report of 19 June Prioritization Exercise (Liz Gasster)

Agenda for WPM Council Briefing

Key statistics before & after discussion

Summary of results changes

Final Value Ratings & Council Resolution

Questions, discussion, & next steps

Results After Ratings Discussions

DATA ANALYSIS: BEFORE & AFTER DISCUSSION ROUNDS

Statistics	IRTPB	VI	IRD	GCOT	JIG	CSG	RAA	GEO	TRAV	PEDNR	FF	RAP	PDP	WG
Original Range	4	3	5	6	4	6	5	6	5	6	5	6	6	6
Final Range	2	5	6	2	3	4	6	5	6	5	5	6	5	4
Difference	-2	2	1	-4	-1	-2	1	-1	1	-1	0	0	-1	-2
Original Mode	4	7	4	5	3	5	4	1	2	5	1	2	4	6
Final Mode	4	7	4	5	4	5	4	2	2	4	1	4	4	4
Difference	0	0	0	0	1	0	0	1	0	-1	0	2	0	-2
Original Pct=Mode	63%	63%	58%	63%	42%	42%	32%	32%	47%	26%	58%	26%	42%	32%
Final Pct=Mode	84%	65%	40%	65%	63%	45%	28%	28%	47%	35%	47%	26%	39%	33%
Difference	21%	2%	-18%	2%	21%	3%	-4%	-4%	0%	9%	-11%	0%	-3%	2%
Original Median	4.0	7.0	4.0	5.0	4.0	5.0	4.0	2.0	2.0	4.0	1.0	4.0	4.0	6.0
Final Median	4.0	7.0	4.0	5.0	4.0	5.0	4.0	2.5	2.0	4.0	2.0	4.0	5.5	6.0
Difference	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	0.0	0.0	1.0	0.0	1.5	0.0
Legend		=No Change			=Changed			=Improved			=Worsened			

Note: IDNF Project moved by Council to "Ineligible Projects"

RANGE & Percent=MODE Results

For two stats, there was improvement after Council discussion:

- ❖ 8 Project RANGES were narrowed;

- ❖ 7 Projects had higher percent of Councilors choosing the MODE

		RANGE		PCT=MODE	
No Change	➡	2	10%	2	10%
Improved	⬆	8	60%	7	50%
Worsened	⬇	4	30%	5	40%
Total		14	100%	14	100%

MODE & MEDIAN RESULTS

However, for two key stats, the majority of Projects did not change after Council discussion:

❖ 9 Project MODES were identical (*)

❖ 11 Project MEDIANS were the same after the group discussion rounds.

		MODE			MEDIAN	
No Change	✖	9	60%		11	80%
Changed	✔	5	40%		3	20%
Total		14	100%		14	100%

(*) For 7 Projects, as noted on the prior slide, a higher percentage of Councilors selected the Mode after discussion

Final Value Ratings: Eligible Projects

Value Rating Ties:

Two projects at 5.0

Six projects at 4.0

Two projects at 2.0

Note: Value Ratings with .5 (e.g. PDP) were the result of the Median being in between two rating categories, for example, 5 and 6.

Prior-ity	Project Name	Abbreviation	Value Rating
1	Registry/Registrar Vertical Integration (*)	VI	7.0
2	Working Group Work Team	WG	6.0
3	Policy Development Process Work Team	PDP	5.5
4	Constituency & Stakeholder Operations Work Team	CSG	5.0
-	GNSO Council Operations Work Team	GCOT	5.0
6	Inter Registrar Transfers Policy – Part B (*)	IRTPB	4.0
-	Joint ccNSO-GNSO IDN Working Group	JIG	4.0
-	Post-Expiration Domain Name Recovery (*)	PEDNR	4.0
-	Registrar Accreditation Agreement Drafting Team	RAA	4.0
-	Registration Abuse Policy Working Group	RAP	4.0
-	SSAC Internationalized Registration Data Working Group	IRD	4.0
12	Geo Regions Review Communitywide Working Group	GEO	2.5
13	Fast Flux Hosting Working Group	FF	2.0
-	Travel Policy	TRAV	2.0

Council Resolution (amended)

WHEREAS, the GNSO Council, at its 21 April 2010 meeting, adopted a resolution and timeline to conduct its first Work Prioritization effort according to a set of procedures (proposed Chapter 6 and ANNEX) recommended by the Work Prioritization Model Drafting Team (WPM-DT);

WHEREAS, the adopted timeline outlined four major process steps the first three of which have been completed as follows:

1) Step 1: ICANN Policy Staff prepared and delivered to the GNSO Council a recommended Work Prioritization Project List (v1.0), including a Cover Letter, on 30 April 2010 [Council approved on 20 May 2010]
2) Step 2: Eighteen Councilors and one Liaison (19 total) submitted individual Value Ratings for all 15 Eligible Projects (approved in Step 1) on or before 9 June (deadline extended from 7 June), which were then successfully processed and aggregated by Staff for input to Step 3;
3) Step 3: The GNSO Council held a Work Prioritization group discussion session on 19 June 2010 in Brussels and successfully finalized a set of Value Ratings for 14 Eligible Projects (Note: the IDNF project was determined by the Council to be "Ineligible");

NOW THEREFORE, BE IT:

RESOLVED, that the GNSO Council approves the GNSO Work Prioritization Value Ratings finalized in its group discussion session held on 19 June 2010 and directs Staff to publish those Value Ratings on the GNSO website according to Step 4 of the adopted timeline.

Item 2 – Prioritization of GNSO work (continued)

2.2 Discussion (Council & Audience)

2.3 Approval of final ratings
- Motion to approve & publish ratings:
- Discussion
- Vote

2.4 Evaluation of the prioritization process
- Lessons learned?
- Areas for improvement?
- Discussion (Council & Audience)
- Next Steps

Item 3 – GNSO Affirmation of Commitments Drafting Team (AoC DT) Endorsement Process

3.1 Summary of the Endorsement Process (Bill Drake)

3.2 Motion

3.3 Discussion (Council & Audience)

3.4 Vote (on amendments if necessary & final motion)

3.5 Next steps regarding the AoC Review Teams (Olof Nordling)

3.6 Discussion (Council & Audience)

Item 4 – Whois Studies

4.1   Refer to background documents

4.2   Procedure for deciding which study
      (studies) to initiate
      • Brief overview of the study choices
      (Liz Gasster)
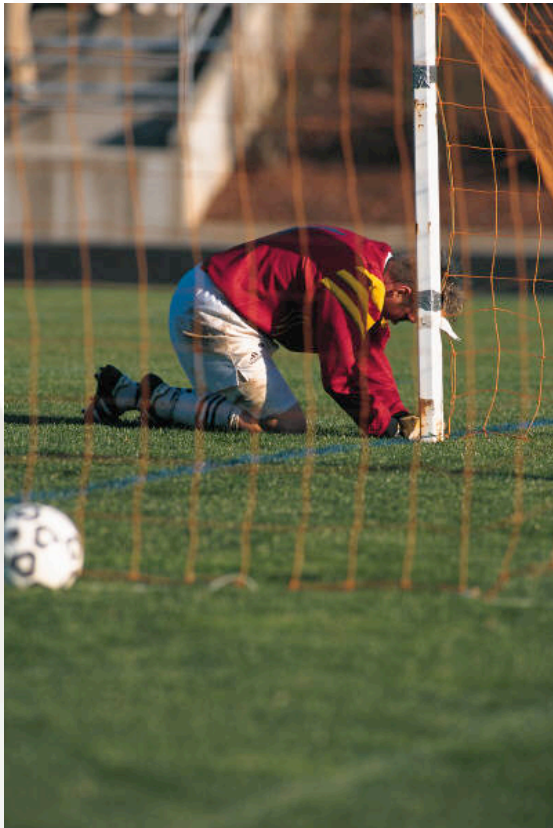   • Discussion
      • Next Steps?

Update report on GNSO-requested WHOIS studies

Liz Gasster, Senior Policy Counselor

June 2010

Goals of WHOIS studies

- WHOIS policy has been debated for many years

- Many competing interests with valid viewpoints

- GNSO Council hopes that study data will provide an objective, factual basis for future policy making

- Council identified several WHOIS study areas to test hypotheses that reflect key policy concerns

- Council asked staff to determine costs and feasibility of conducting one or more of those studies

GNSO Council-requested WHOIS studies – Cross reference to original study numbers

	Study Area/Topic		Specific studies defined (work in progress)	Current status	Other Information
1.	WHOIS Misuse Studies Extent to which publicly displayed WHOIS data is misused	1. 2.	Experimental: register test domains and measure harmful messages resulting from misuse Descriptive: study misuse incidents reported by registrants, researchers/ law enforcement	RFP approach. 3 responses received. Staff analysis complete to the GNSO Council on 23 March 2010. Cost: 150,000 Time: 1 year	▪ Study can count and categorize harmful acts attributed to misuse and show data was probably not obtained from other sources ▪ Some acts might be difficult to count ▪ Difficult to tie WHOIS queries to harmful acts, which makes it difficult to prove that reductions in misuse were caused by specific anti-harvesting measures ▪ Difficult to assess whether misuse is "significant"
2.	WHOIS Registrant Identification Study	1. 2.	Gather info about how business/commercial domain registrants are identified. Correlate identification with use of proxy/privacy services.	5 responses received to RFP. Staff analysis complete on 23 March 2010. Cost: 150,000 Time: 1 year	▪ Will classify ownership and purpose of what appear to be commercial domains without clear registrant information, and measure how many of those domains were registered using a Proxy/Privacy service ▪ Might provide insight on why some registrants are not clearly identified ▪ Use of P/P services by businesses
3.	WHOIS Proxy and Privacy "Abuse" Study		Compare sample of P/P-registered domains associated with abuse with the overall frequency of P/P registrations	RFP was released on 18 May, responses are due by 20 July.	See: http://www.icann.org/en/announcements/announcement-2-18may10-en.htm
4.	WHOIS Proxy and Privacy "Reveal" study		Analyze relay and reveal requests sent for Proxy and Privacy-registered domains to measure associated delays and failures	RFP Terms of Reference are under development. Staff hopes to release RFP by end of July.	

Note: Study areas 1-5 reflect all the studies initially requested by the GNSO Council 4 March, 2009. Study area 6 was requested by the Council 7 May, 2009.

1. WHOIS Misuse Studies

Two possible studies to assess whether public WHOIS significantly increases harmful acts and impact of anti-harvesting measures.

1. One would survey registrants, registrars, research and law enforcement orgs about past acts.

2. Another would measure variety of acts aimed at WHOIS published vs. unpublished test addresses.

Used RFP approach, 3 responses

ToR:
http://gnso.icann.org/issues/whois/tor-whois-misuse-studies-25sep09-en.pdf

Analysis – Misuse studies

- Estimated cost -- $150,000

- Roughly 12 months to complete

- Study can count and categorize variety of harmful acts attributed to WHOIS misuse and show that data was probably not obtained from other sources

- Some acts may be too difficult to measure

- Cannot tie WHOIS queries directly to acts, which makes it difficult to prove that reductions in misuse were caused by specific anti-harvesting measures

- May be difficult to assess whether measured misuse is "significant"

2. Registrant Identification Study

- How do registrants identify themselves in WHOIS?

- To what extent are domains registered by businesses or used for commercial purposes:
  1) Not clearly identified as such in WHOIS; and
  2) Related to use of privacy and proxy services?

- Also used RFP approach, 5 responses received

- ToR: http://gnso.icann.org/issues/whois/tor-whois-registrant-identification-studies-23oct09-en.pdf

Analysis – Registrant ID Study

- Estimated cost -- $150,000

- 6-12 months to complete

- Researchers can classify ownership and purpose of what appear to be commercial domains without clear registrant information, and can also measure how many were registered using a Proxy or Privacy service

- Study seems tractable, though some # of domains will be hard to classify

- Several ways results might be useful:

  - Insight on why some registrants are not clearly identified

  -Frequency of P/P service use by businesses

3. Proxy and Privacy Abuse Study

- Would study the relationship between domains associated with illegal/harmful Internet acts and P/P abuse to obscure perpetrator identity, if any

- Would study broad sample of domains associated with many kinds of acts and compare to the overall frequency of P/P registrations

- RFP posted 18 April, responses due 20 July

4. Proxy/Privacy Services "Reveal" Study

- Study would help measure the delay incurred when communication "relay" and identity "reveal" requests are made for Proxy and Privacy service-registered domain names

- Draft RFP delayed – July 2010 or later

- Issues:
- Finding complainants willing to participate
- Relay and reveal?
- Proxy and Privacy services?

Timeline and Next Steps

- Council discussion and decision on first two study areas

- Await responses and staff analysis on Privacy/Proxy "Abuse" RFP

- Develop RFP terms of reference on Proxy/ Privacy "Reveal" studies

- Staff Contact: Liz Gasster - policy-staff@icann.org

Which WHOIS studies should be done?

- Which studies would best inform intractable policy questions?

- Which studies are most tractable and would be likely to produce intended information?

- What can we learn that we really need to know?

Questions?

Item 4 – Whois Studies (continued)

4.3   Discussion of how to proceed in
       selecting studies (Council &
       Audience)

4.4   Next steps?

Item 5 – GNSO Improvements

5.1   Policy Process Steering Committee (PPSC)

5.1.1 Working Group Work Team Recommendations
- Report from the PPSC (Jeff Neuman)

5.1.2 Policy Development Process (PDP) Work Team
- Brief status report & next steps (Jeff Neuman)

Item 5 – GNSO Improvements (continued)

5.2   Operations Steering Committee (OSC)

5.2.1 OSC Recommendations from the Communications & Coordination Work Team
- Brief overview of recommendations & comments (Liz Gasster)
- Motion – Discussion & Vote

5.2.2 OSC Recommendations from the GCOT & the CSG WTs
- Motion – Discussion & Vote

Item 5 – GNSO Improvements (continued)

5.3   Status Reports for Remaining GNSO Improvements
       Projects
       • GNSO Council Operations (GCOT) Recommendations
       • GNSO Constituency & Stakeholder Group (CSG)
       Recommendations

5.4   Implementation Status Reports for Approved GNSO
       Improvement Recommendations
       • Council Operations Work Team (Liz Gasster)
       • Constituency & Stakeholder Group Work Team (Liz
       Gasster)

5.5 Discussion (Council & Audience)

Item 6 Reports from Working Groups

6.1   Vertical Integration PDP Working Group
   • Progress report (Roberto Gaetano &/ or Mikey O'Connor)
   • Summary of discussion from the VI WG session on Saturday
   • Council questions?
   • Next steps?
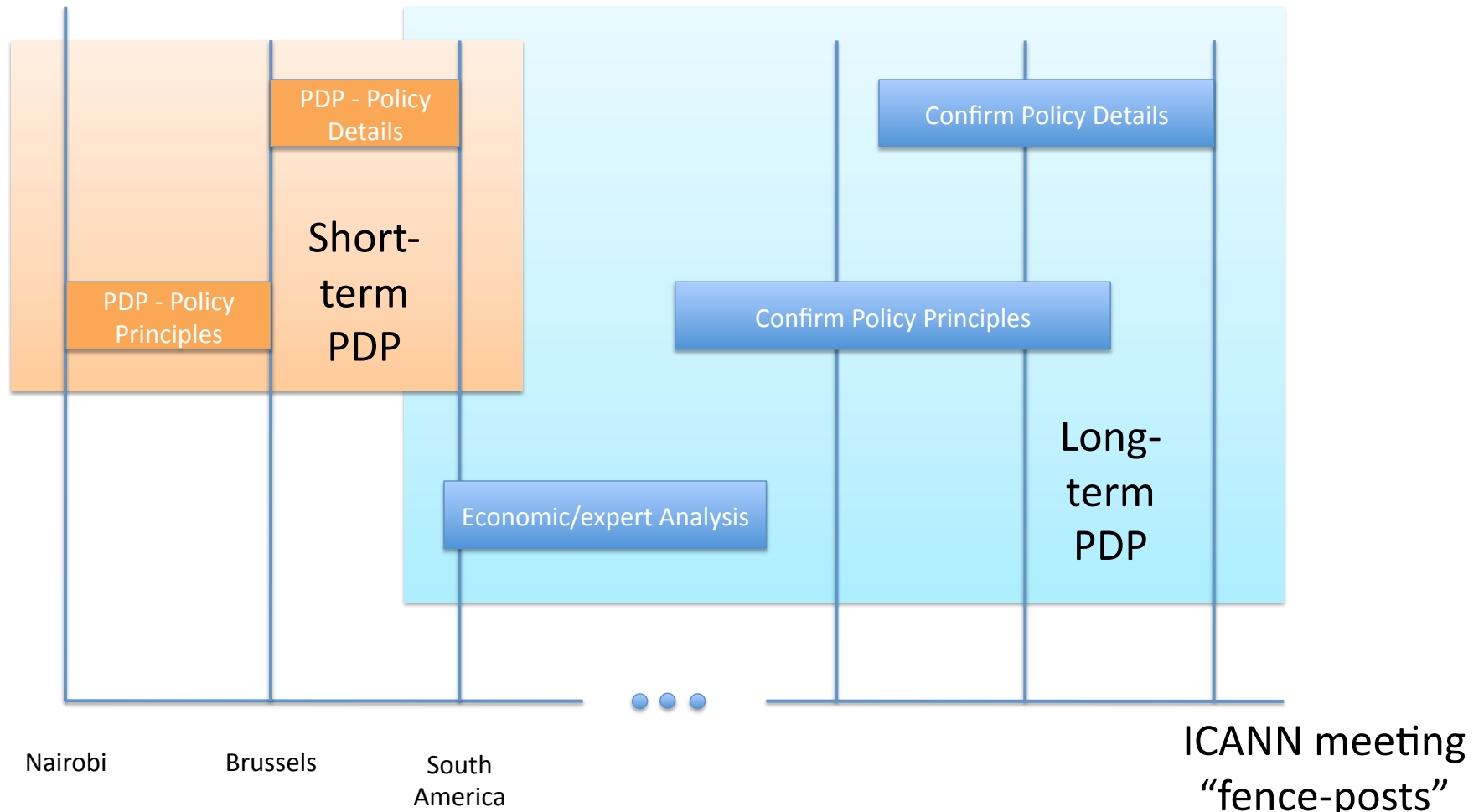
Vertical Integration

Status update

GNSO Council

Wednesday, June 23, 2010

Approach – VI is two PDPs in one

Level of detail

High

PDP - Policy Details

PDP - Policy Principles

Short-term PDP

Confirm Policy Details

Confirm Policy Principles

Economic/expert Analysis

Long-term PDP

Low

Nairobi

Brussels

South America

ICANN meeting "fence-posts"

Current status:
We're late – but not for lack of trying

- Compressing a PDP into 180 days instead of 450-500

- Approaching 70 members

- 12 proposals (many with multiple drafts)

- 2000+ emails in 90 days

- Biweekly meetings for the last 3 weeks

- Face to face sessions in Brussels

Atoms

- Enforcement/compliance

- Control
- Common ownership
- Within TLD
- RSP

- Exceptions
- Single registrant

- Interim solution

Next steps

- Possible outcomes at the end of Brussels
  - Confirm that consensus cannot be reached and move on to the long-term PDP
  - See substantial progress toward consensus and request an extension
  - ✓ **Arrive at consensus soon and launch the 2nd half of the short-term PDP**

Stay tuned for further bulletins

Item 6 Reports from Working Groups

6.2 The Registration Abuse Policies
Working Group
• Summary of discussion from the RAP
WG session on Sunday (Marika Konings)
• Council questions
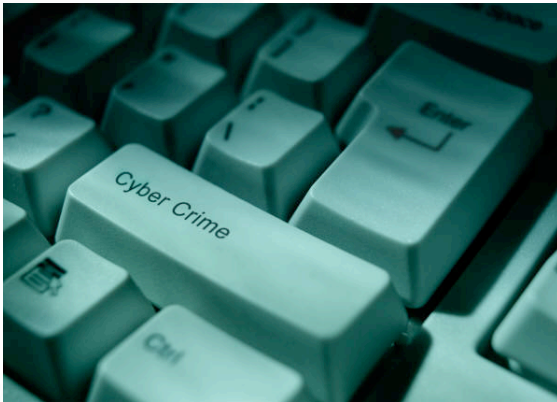• Next steps?

Background

- Pre-PDP Working Group launched in March 2009

- Initial Report published February 2010.

- 11 Comments received as part of public comment forum (see http://forum.icann.org/lists/rap-initial-report/)

- WG reviewed and analyzed comments received and updated report accordingly

- Final report published on 28 May 2010

Final Report
Recommendations

Recommendations

Recommendations included relate to:

- **Cybersquatting.** PDP on review of the UDRP
- **WHOIS Access.** Request data from Compliance
- **Malicious Use of Domain Names.**
  Creation of best practices
- **Cross-TLD registration scam.**
  Monitor and co-ordinate research

Recommendations (continued)

Trust me.
I'm a doctor.

- **Fake Renewal Notices.** Possible enforcement action

- **Uniformity of Contracts.** PDP on minimum baseline of registration abuse provisions

- **Meta Issues.** Reporting & Best Practices

- **Front Running, Domain Kiting, Deceptive Names**

Recent Developments & Next Steps

Overview of report and recommendations provided in presentation to the Council on Sunday followed by initial discussion (see http://brussels38.icann.org/meetings/brussels2010/presentation-rap-report-20jun10-en.pdf)

GNSO Council to consider report and recommendations

Registration Abuse Policies Final Report - http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf

Questions

Item 6 Reports from Working Groups

6.2 The Registration Abuse Policies
Working Group (Continued)
- Council questions
- Next steps?

6.3 Inter-Registrar Transfer Policy (IRTP) Part
B PDP WG
- Presentation by Marika Konings

Inter-Registrar Transfer Policy
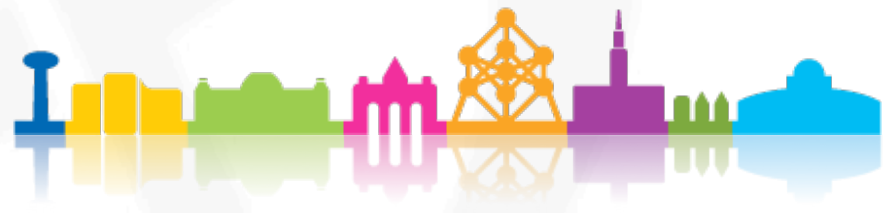# Part B PDP Initial Report
Overview

GNSO Council Meeting - Wednesday 23 June 2010

Charter Questions

- Should there be a process or special provisions for urgent return of hijacked registration, inappropriate transfers or change of registrant?

- Registrar Lock Status (standards / best practices & clarification of denial reason #7)
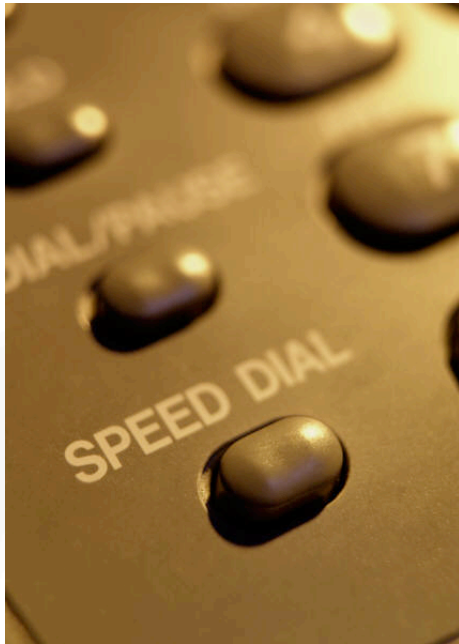
WG Approach

- PDP was initiated in June 2009

- WG has been discussing charter questions, public comment period, constituency stakeholder group input

- Input from ICANN Compliance Team on complaints

- Publication of Initial Report on 29 May

- Opening of Public Comment Forum after meeting in Brussels (foreseen for 5 July)
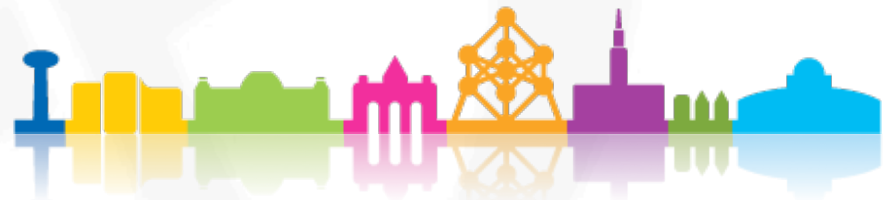
Draft Recommendations

Examples

- WG is putting an Expedited Transfer Reverse Policy (ETRP) forward for Community consideration

- Request an Issues Report on the requirement of 'thick' Whois for all gTLDs

- Standardize and clarify WHOIS status messages regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied and how it can be changed.

- New language for denial reason #7

Your Input Requested

- WG is looking for input on all these draft recommendations – in this afternoon's public information & consultation session and the public comment forum

- Based on the feedback and input received, the WG will finalize its report and recommendations

Further Information

- IRTP Part B PDP Initial Report - http://gnso.icann.org/issues/transfers/irtp-b-initial-report-29may10-en.pdf

- Public Comment Forum (to open on 5 July – 25 July) - http://www.icann.org/en/public-comment/

- IRTP Part B PDP WG Workspace - https://st.icann.org/irtp-partb/

Questions

Item 6 Reports from Working Groups

6.3   Inter-Registrar Transfer Policy (IRTP) Part
      B PDP WG
      - Council questions
      - Next Steps?

6.4   Post Expiration Domain Name Renewal
      (PEDNR) PDP WG
      - Presentation by Marika Konings

Post-Expiration Domain Name Recovery PDP Initial Report Overview

GNSO Council Meeting - Wednesday 23 June 2010

The Initial Report

Content

- Results of registrar survey

- Overview of WG deliberations

- Compliance information

- Results of WG survey outlining options for further consideration

Registrar Survey

- Objective to review current registrar practices regarding expiration, renewal, and post-expiration recovery

- Survey covers top 9 registrars by total domains which represent approx. 66% of domains registered

- Many different approaches amongst registrars – is this good or bad? Is it understandable for registrants what happens after expiration?

WG Survey

- Objective was to assess the views of WG members and determine where there might be agreement or consensus on a possible approach forward

- Results of survey are covered in report – some show clear path forward, others are more diverse

- Main difference of opinion seems to be policy (mandatory) vs. best practice (optional)

- Next step will be to decide how to move from survey responses to recommendations

WG Survey Questions

- Overarching issues (ability to recover & minimum timeframe)

- Period prior to expiration (clarification of EDDP provision, notice details)

- Post-Expiration (WHOIS status messages, notices, what happens with email / non-email services, transfer)

- Contractual conditions (understanding / availability, fee info)

- Redemption Grace Period (consensus policy, transfer)

Next Steps

- Get feedback today and during the public comment forum

- Continue deliberations and work towards consensus on recommendations

- Second public comment period on draft recommendations (tbc)

- Develop Final Report

Further Information

- Post-Expiration Domain Name Recovery Initial Report
http://gnso.icann.org/issues/pednr/pednr-initial-report-31may10-en.pdf

- Monitor the PEDNR WG workspace
https://st.icann.org/post-expiration-dn-recovery-wg/

- Public Comment Forum (to be opened following ICANN meeting)
http://www.icann.org/en/public-comment/

Questions

Item 6 Reports from Working Groups

6.4   Post Expiration Domain Name Renewal
       (PEDNR) PDP WG (Continued)
       • Council questions
       • Next Steps?

6.5 Council and Audience discussion

Item 7 Other Business

7.1   Joint Community DNS-CERT WG
- Request from ccNSO re. the possible establishment of a joint DNS-CERT WG with the ccNSO
- Discussion (Council & Audience)
- GNSO support?
- Volunteers for charter drafting team (DT)?

Item 7 Other Business

7.2   Motion on enhancing the Transparency of GNSO Council Meetings
  • Reading of motion (Bill Drake)
  • Staff report on costs/feasibility (Liz Gasster)
  • Discussion (Council & Audience)
  • Vote

Item 8 Open Microphone

Thank you