MARRAKECH – Industry Best Practices -- the DNA's Healthy Domains Initiative
Wednesday, March 09, 2016 – 10:45 to 12:00 WET
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UNIDENTIFIED MALE: This is the Industry Best Practices DNAs Healthy Domain Initiative on March 9th, 2016 in the Atlas Room from 10:45 a.m. to 12:00 p.m.

ALLEN GROGAN: We'll get started in just a couple of minutes.

Hi. We're going to get started. This is being recorded and there is remote participation as well.

I'm Allen Grogan. I'm the Chief Contract Compliance Officer at ICANN. As some of you in the room know, for a while now, ever since I assumed this position, one of the things I've been doing is trying to work to encourage and facilitate people to find voluntary solutions to address various abuse issues in the domain name space, especially in areas that are outside the scope of ICANN's contractual compliance and/or outside the scope of ICANN's limited Remittant Authority. I've met with contracted parties and a variety of parties who submit complaints to ICANN Compliance to encourage them to try to engage cooperatively and constructively to arrive at voluntary

solutions to address these issues. The Domain Name Association recently announced the Healthy Domains Initiative, and I invited them to run this session to discuss it and educate everybody here, including me frankly, on what they're doing. To be clear, the Healthy Domains Initiative was a product of the DNA – not ICANN, not ICANN Contractual Compliance; we weren't involved in it – but it's an example of the kind of voluntary initiatives that I think can be constructive.

Sitting up here today, to my right are Adrian Kinderis in the middle, CEO and co-founder of ARI Registry Services and one of the driving forces in the formation of the Domain Name Association; Mason Cole to my immediate right who is the VP of Communications and Industry Relations at Donuts, which is a gTLD Registry company; and Statton Hammock to my far right who is VP of Business and Legal Affairs at Rightside. And with that, I will turn it over to you.

ADRIAN KINDERIS: Thank you very much. Good…morning still somewhere. Folks, my name is Adrian Kinderis from Neustar, but in this role here, the Chair of the Domain Name Association. Very excited about the Healthy Domain Name Initiative, or HDI, depending on what part of the world you're from as my Board continually remind me. The DNA sees certainly that it is our role to continue to drive

the industry forward, and in driving the industry forward, ensure that it's done in a positive manner. And I think it's fair to say that there have been actors within our industry for a long time that have exploited certain peripheries of contracts, and that behavior has gone unchecked. And it's certainly the intention of the HDI to highlight good practices of the good actors within the industry, and hopefully also in doing so, to highlight those bad actors.

It is our intention to ensure that we protect consumers, businesses, and everybody that interacts with the domain name industry. So I'll leave this up here while I talk for a minute, but this is really the summary of what this group is about. I should also start by thanking the efforts of Mason and Tim Switzer, who have been driving this for us. We've had a lot of contributors across the board so thank you very much for everybody contributing so far; a significant amount of work already done, but still a long way to go.

So why do we need the HDI and why now? As I already said, I believe the industry is at a bit of a nexus in its maturity. We've got a lot of new players that are entering through the New gTLD Program, and it seems to me to be a good time to ensure that everybody enters on the front foot and in a positive way. We all have contracts that we abide by, but there are also activities that we can be doing as an industry that will enable us to self-

regulate and appease those pressures that we're getting from outside. So there is opportunity to build on the success and positives of our industry.

Proactive self-regulation will ensure that we don't always have to pick up a contract in order to get something done within the industry, that law enforcement shouldn't feel that it needs to go through ICANN or at least through back doors in which to get its job done, that it should have a direct interaction with the industry, and this initiative should be something that will help achieve that.

So the HDI was founded on three principles of network, self-governance, and best practice. From a network perspective it's about establishing a group of people that are all focused on the creation of a healthy ecosystem within the domain name industry. This is done through communication. So one of the tenants, if you like, of the HDI is first and foremostly communication amongst the industry players.

We also then have self-governance, as I've already said. To have an industry that is at a level of maturity that it is able to be introspective in its governance I think is a great sign for a healthy industry. And we're certainly not there yet, but it's something we need to continue to work on.

Finally, in order to understand what healthy is, to build a Best Practice base where we can, as I say, highlight the 'good activities' of those who participate within the industry, at the same time hoping to exclude those that potentially are bad actors.

I'll hand over to Mason Cole now. He's going to continue the presentation. Guys, this will be a short presentation today. We really want this session to be a public one to get you all engaged. We have many folks that have been working on the HDI initiative in the audience here, so if you have questions this would be a great forum to do so. There'll be plenty of time at the end of the session, Mason, where we want to hear from each and every one of you about any issues that you've got. So please don't be backward in coming forward today. This is something that is really resonating well within the industry. ICANN's behind the work we're doing here, and it's certainly been taken positively by those that are looking at it. So we'd love to hear your feedback – good, bad, or indifferent – as to the work that we're doing here, and Mason will start to go into what that is. Thanks, Mason.

MASON COLE: Thanks very much, Adrian. Good morning everybody. My name is Mason Cole. I'm the Chair of the Healthy Domains Initiative

Committee inside the Domain Name Association. I'll pick up the presentation from here. We want to run through a few slides and, as Adrian said, keep this very interactive and open for discussion.

Let me start by talking about the breadth of participation that we've had so far. It's been very encouraging. We've had registries, registrars, representatives from law enforcement, child protection authorities, experts that deal with online illegal pharmacies, intellectual property experts, and people from the content industry. So the remit of the Healthy Domains Initiative goes beyond participation just inside the ICANN community. In fact, we wanted this effort to be independent of ICANN as much as possible to show that we have the capacity to self-regulate in a meaningful way. So we're really encouraged by the breadth of participation that we're getting so far.

There are a number of benefits to the industry and to registrants inside the industry. The DNA is the leader and spokesperson for those that provide services to the domain name industry, and it takes pretty seriously the role of maintaining a healthy domain name ecosystem. So we're very encouraged by that.

This also publicly drives home the point that domain names are safe assets. It's a secure place to conduct online business. So the

Healthy Domains Initiative wants to reinforce that as much as possible.

And then thirdly, we want registrants that are the good actors to be more comfortable engaging in and investing in the use of domain names. So we want them to be comfortable and feel like they have a safe and secure place to do their business online.

So why did we decide that proactive self-regulation was a good idea? Well, firstly we wanted to engage all industry parties, because it ends up in a better set of thoroughly vetted practices that we can apply to the operation of our businesses. It also positively demonstrates that the industry can be proactive and, even more importantly than that, aspirational about establishing practices that are good for a healthy domain name ecosystem.

It also demonstrates that we can self-regulate, and self-regulation, as Allen pointed out, is very important because as service providers it lessens the regulatory burden on us and creates more certainty for our customers.

And then the question becomes, if we don't self-regulate, what happens? Well, regulators like to regulate, so if we do nothing then we risk more contractually required regulation that can increase the impact on our business.

So we added a couple examples here about industries that did and didn't proactively self-regulate. One that took a proactive approach was the entertainment industry. Obviously many of you have been to the movie or seen a movie in a theater, and if you notice, every movie is rated. That's an example of a content provider going and self-regulating to provide information to their audience about what may or may not be appropriate.

An industry that didn't self-regulate is the tobacco industry, and in spite of signals that came at them time after time, eventually regulation was thrust on them. So we want a more proactive approach and less reactive approach when it comes to self-regulation.

Okay, so what's the end game about the Healthy Domains Initiative? In some sense, there really is no particular ending to promoting a safe and secure name space. As long as we're all in this room together and as long as registries and registrars provision services to their customers, there's always going to be a need to continually provide for a healthy domain name ecosystem. But what HDI the program aims for is voluntary self-regulation in a way that lessens the impact of outside regulation imposed on us.

Promotion of a healthy domain environment through positive industry pressure – that means getting the word out about how

healthy and safe the Internet ecosystem is. We want to increase trust in the DNS itself, and then we also want to foster a new level of cooperation with outside parties. We've done a pretty good job of that, if you remember the breadth of participation slide. We're very encouraged by how broadly we've had participation.

So here's a bit about our deliverables and our progress to date. This whole initiative kicked off in July of last year at a meeting in Washington DC with a fairly small committee of participants, and that's what became the Healthy Domain Names Committee inside of the Domain Name Association. So we've since met several times. We met the first time, as I just described, in Washington DC. We had a meeting in Dublin at ICANN 54, and then at the NamesCon event in January of this year. And actually, the committee is meeting later today. So it's a very active committee.

We've also developed a number of drafts of what will eventually become the Best Practices document. That's a work in progress. I'll describe in a minute a meeting that we had last month with several participants that's leading up to what eventually will be a Best Practices document.

We've been active in spreading the word as well. At NamesCon, we had a panel and a DNA member update, so the word is

spreading through other parts of the industry, not just the policy- focused areas of ICANN.

The initiative is also participating in the ICANN process. We commented on ICANN's idea of what they're calling a Healthy Marketplace Index, and we hope to cooperate with them on that. And then we held our first ever industry Summit in Seattle last month on February 10th. I'll describe that more in detail in a minute, but it was a very encouraging meeting.

So here's a bit about that Summit. It was held on February 10th in Seattle. Amazon was gracious enough to host us. We had 77 people participating – 70 in the room and seven remotely. You can see here that it was a very wide swathe of participants. Beyond just registries and registrars we had Amazon, Google, Microsoft, the FBI, content providers, and even the National Center for Missing and Exploited Children and National Association of Boards of Pharmacy, and lots of other people in the room. So it was a very wide set of participants.

And we got positive feedback from the attendees. It was a very busy agenda. It was an all-day discussion focused on all sorts of online abuse areas, about content, and then about eventually toward potential Best Practices.

So we communicated a bit more about the outcomes of that session. Our Board of Directors approved a press release that we

put out on February 16th. We're also communicating broadly to the DNA membership itself. The focus obviously is on objectives of the HDI and the benefits to the DNA and the results of the Summit and what our Best Practices process stands right now.

So what are we doing now about moving the idea of Best practices forward? Because this is going to be the first significant piece of output for the HDI program. So we discussed it in depth at the Summit and then the game plan from here is to focus on categorizing and assessing all areas of online abuse, and then analyzing a set of potential Best Practices programs that were discussed in breakout groups that we had. Out of the 70 people in the room, we broke into six different groups, each group focusing on a different idea of a Best Practice. I'll go into that in more detail in just a moment. But that is our first deliverable, and we're looking at trying to provide that in time for ICANN 56, wherever that might be.

So here's a bit more about Best Practices and how we're examining them. There are a number of different categories. We're talking about abuse automation and categorization. We're approaching the idea of third party validators, which I'll discuss more in a moment. We focused on copyright infringement. We think that trademark infringement is pretty well represented in the industry already, with tools and services that are available to trademark holders, but not necessarily to copyright holders. So

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we're exploring that area as well. And then we wanted to talk about the idea of how to capture bad actors and maybe setting up a reputational database.

Concept #1 – online abuse areas that are analyzed. You can see here that we talked about everything from phishing and malware all the way down to fraud and wire transfer. So there are all sorts of areas that should be analyzed and addressed in terms of continuing to promote a healthy domain name ecosystem.

Concept #2 is the idea of third party validators. Just a bit more about this – a third party validator is someone who has expertise, credibility, and the skills to evaluate complaints and complainants. The idea would be that registrars and registries could form a trusted partnership between themselves and that third party in order to set up a process perhaps to deal with online abuse. This can be proactive or reactive, but it is critical that the party has expertise in the area that they deal with, the ability to be transparent, and a good method of accountability. And we're exploring whether or not the DNA itself has a role in setting standards or qualifying certain entities.

Best Practice Concept #3 – copyright and piracy and counterfeit goods. We're discussing and exploring the idea that there could be a clearinghouse that can include copyright, piracy, and

counterfeiting, along with other potential online abusive behavior, and then perhaps developing a new dispute resolution model similar to UDRP.

In terms of Best Practices, that's where we've gotten progress so far, from our breakout groups in the Summit in Seattle. There are a number of things that are still being analyzed – the idea of abuse automation and categorization, the ability to capture bad actors and set up a reputational database. And then we talked about whether or not there could be incentives for good actors as well. If you're a good actor, how can you participate more positively in the domain name industry?

Then there's an idea of a trusted notifier program. You may have read a bit about what my company, Donuts, and the Motion Picture Association of America are doing in terms of a trusted notifier program. That's an idea that could be explored more broadly beyond just that agreement.

So our first deliverable is the Best Practices document, as I mentioned. Here are the next steps that we're proceeding through right now in order to get that done. We need to finish our analysis on online abuse areas. Our target is to issue a report on that by ICANN 57 later this year. We're looking at the five identified Summit Best Practices Programs, and our target is to

have a Best Practices document for registries and registrars ready by ICANN 56, which will be this summer.

We're developing a process as well for the DNA to play a role in whatever standard-setting or certification in measuring and auditing may be necessary. Our target for that is ICANN 57. And then implementing our first phase of Best Practices by ICANN 57 as well.

There's always going to be an ongoing role for the DNA as well for examining new online abuse areas and whatever Best Practices augmentations may need to be made at that point, because that will need to be continually evaluated and implemented.

If you're interested in participating, there is a group that's been set up. We have probably close to 100 members right now. You can contact me to join. We're looking both in this session and beyond for your ideas and your reactions to this program, and then if you have constructive thoughts on proactive steps that HDI can take, we'd certainly like to hear those as well.

Okay, that's the end of the presentation. Before we take questions, I'd like to hand it over to Statton Hammock just for a few minutes. He's got a couple of contributions to make, and then we'll open it up to the floor.

STATTON HAMMOCK: Thank you, Mason. Good morning everyone. Thanks for being here. For those of you who I haven't had the pleasure of meeting, my name is Statton Hammock. I'm the Vice President of Business and Legal Affairs at Rightside. Rightside is a domain name registry and a domain name registrar, and a proud member of the DNA and active participant in this initiative since its inception.

I'm just going to spend a few minutes underscoring a point Mason already made in his presentation, and that's the importance of self-regulation. As he mentioned, regulators are going to regulate, legislators are going to legislate, commissioners are going to commission reports and make rules to protect citizens and consumers. That's what they do. But the best regulations, I think, are born from the industry itself that is the subject of regulation, because nobody knows how best to deliver products and services to our consumers than the industry itself.

So that's why it's critically important for all of us in this room who are members of the domain name industry – registries, registrars, consultants to those businesses, people who buy and sell domain names – to be looking at how we can keep a healthy

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name space going to establish trust in what we're doing here and to make domain names relevant, important, and useful.

So to that end, as Mason mentioned, we've seen examples over time of industries that have done a great job self-regulating. He mentioned the entertainment Industry as one, and examples of industries that haven't done so well. Tobacco is the one he mentioned. I think those are two excellent examples of industries who have gone the right direction and those who have foot-dragged, kicking and screaming, and ended up being highly regulated by governments around the world. So in order to avoid that for this industry, I think it's critically imperative that we undertake an initiative like this, where we can examine what we're doing on a daily basis and see if we can protect our name space.

So I urge your participation in this group. As Mason mentioned, it's open to everyone, not just the industry, but those also interested in creating a healthy domain environment. Thank you all for attending.

ALLEN GROGAN: Thanks, Statton. Adrian, you want to add anything?

ADRIAN KINDERIS: Yes, I just want to add one last thing there, just by matter of protocols. This isn't just a DNA membership thing. This is an industry-wide initiative that the DNA happens to be holding the pen on. The DNA will continue to get more involved in initiatives like this, whereby we can be seen to continue to drive the opportunity and ensure that it reaches a valuable conclusion. So this is just one of many that you'll start to see the DNA mobilizing on by way of contributing, adding resources and momentum to different projects. So please don't think that you need to be a member to participate here.

ALLEN GROGAN: We'll open it up to questions or discussion. There's a microphone for participants in the room, and if anybody online has questions, they can submit them in the chat room. And please identify yourself if you're at the microphone.

SEBASTIEN BACHOLLET: Bonjour. I will speak in French. Sorry for using this language, but it's available at ICANN.

Thank you, ICANN, for giving us the possibility for holding this meeting here and speaking different languages. The gentleman has asked to make positive comments. I don't think mine will be positive, but I hope you will take them positively. You explained

your initiative outside ICANN, and you have also made your presentation at ICANN at a multistakeholder organization where all stakeholders are represented, which is not the case in your organization and means that the end users don't have the means to travel to participate in several meetings since what they do. And today, ICANN gives a framework where people can express themselves. I think it is a pity that it is not done in the framework of ICANN. ICANN is a structure where, together, we have to discuss these issues together. The fact that you do it elsewhere, from my point of view – only from my personal point of view – those are the problems of this initiative. The goal is a very good goal, but the way of doing it is a pity for me.

I'm sorry because I started speaking French, but I haven't introduced myself – Sebastien Bachollet. I am a member of the committee At-Large ALAC. Thank you very much.

ADRIAN KINDERIS: I'll respond in English, as my French was kind of Grade One. Thank you, Sebastien. I want to be careful here, because my instant reaction is a knee-jerk one – one that says there is a world outside of ICANN and, yes, we are having the meeting here, and we appreciate the support of ICANN in order to get this done.

But this is the industry coming together. And like it or not, the industry is a closed group. It is defined by those that appear in the value chain. We have a right as an industry to mobilize on our own. This isn't a bottom-up multistakeholder group by definition. The Domain Name Association has its own charter. It is legally bound, and it stands alone.

So I agree with you that there should be a forum by which anybody can participate on topics like this, and if ICANN wants to host that, go ahead. But we are, as a group, mobilizing and trying to achieve deliberate goals and objectives in order to benefit the industry. This is the industry that feeds ICANN.

So this is my personal opinion now, which I believe I'm entitled to: We encourage participation, but at the end of the day, it is the DNA itself that is able to decide what initiatives it wants to do and where it will contribute.

On this particular one, with the Healthy Domains Initiative, all we're doing is holding the pen. We're asking the industry to contribute outside the membership. So if anyone wants to participate, they're able to. But really, we're reaching out to the industry within the value chain. I'm happy to….

STATTON HAMMOCK: I'd like to also add that some of the issues that we're looking at in terms of abuse are arguably outside ICANN's contractual compliance remit. ICANN obviously has security and stability issues that we're contractually obligated to address, but some of the things that we're looking at in terms of abuse – this goes to content – is outside contractual compliance, this is outside of ICANN's.

So by the very nature of our work and our activity and what we're looking at, it's outside ICANN. So that is why the industry is taking this initiative: to address those things that ICANN won't or can't.

MASON COLE: Yes, those are excellent points. I'd just like to add, too, that registries and registrars are working on behalf of their own customers as well. We represent a very broad set of domain name users and domain name participants, so it's important that there is a mechanism for us to improve the ecosystem that they live inside.

That's what this is about. It's not about exclusion or nonparticipation. In fact, as I mentioned a few slides earlier, this is an initiative that's open to anyone to participate. If you're interested in doing so, that's part of the reason we're giving this presentation here. So it's not exclusionary. It did – as Adrian

pointed out – start in an industry-led event, one that deals with issues that are outside of ICANN's remit. So that's what we're about.

PHILIP CORWIN: Good morning. I'm Philip Corwin. I'm a member of ICANN's Business Constituency and one of the two BC representatives on the GNSO Council. I'm on the Business Constituency and my role as Counsel to the Internet Commerce Association, which I will know they will be celebrating its 10th anniversary this September, founded in September 2006.

And on behalf of ICA I really want to commend DNA for undertaking this initiative. I think anything that's devoted to enhancing the reputation of the broad domain industry and encouraging Best Practices and discouraging heavy-handed legislation and regulation is excellent for the industry.

I know Mason is very familiar with ICA. I used to work very closely with him when he was employed by one of our founding members, and he knows that the first thing we did was establish a code of conduct which set rules for our members, such as avoiding intentional trademark infringement and providing accurate WHOIS information.

So on behalf of ICA, again, we commend this initiative. We have a different focus representing registrants, whereas you're primarily representing contracted parties, and it's good to hear that it's an industry-wide initiative and we can have offline conversations after this.

But we'd be happy to make whatever positive contributions we can make to this initiative because it's good for the entire industry. So thank you for undertaking this project.

STATTON HAMMOCK: Thank you very much, Phil. We'd love to have your participation.

ALLEN GROGAN: I think we've got a question from the chat room. Let us take that and then we'll go back to the microphone.

[SINA MASEK]:   We have a question from Lori Schulman from INTA. "Is the HDI looking at industry self-regulation regarding certain marketing practices like name spinning that contribute to instances trademark infringement?"

And she has another following up question. Following up, "INTA welcomes this initiative, as many issues that we have

encountered in the DNS could fall outside of the contractual relationship as well."

MASON COLE: I'm sorry, did the question have to do with Name spinning? Is that right?

[SINA MASEK]: Correct.

MASON COLE: Okay. No, Lori, that's not an issue that we've looked at operationally as of yet, but we'd love to have your contribution if that's an issue that you think is important.

ALLEN GROGAN: Might be worth a brief explanation of what that is, because some people in the room may not know.

MASON COLE: Yeah. Name spinning is sort of a search based activity where you look up a domain name in a database and you're presented with a number of different options that are related to that name. So you spin ideas off of the domain name that you've entered, and terms that are similar to the one that you looked up are

presented in domain name options that could be available for registration.

ALLEN GROGAN: Next question from the microphone.

DAVID CAKE: Thank you. David Cake, Electronic Frontiers Australia. A number of the issues you look like you're addressing are things that – I'm sure I'm not the only person who has had conversations in the last few years of saying, "Well that is outside ICANN's remit but that doesn't mean it shouldn't be done. We should make a place to do it." It's great to hear you're making a place to do it. So I think it's generally a very positive step.

The only thing is that some of these issues play past and I can immediately think of half a dozen organizations that would have a really active interest in those questions. Did you want us to help with outreach and get people involved, and is there some sort of mechanism there?

STATTON HAMMOCK: Yes. Yes, we do. That would be great. Thank you, David.

ROBERTO GAETANO: Speaking my own capacity as an Internet Registrant and Internet user, I understand what you were stating about the fact that registries and registrars have customers – that is basically us – and you do speak on behalf of the customers.

However, there is in the ICANN ecosystem, organizations of users and registrants and customers, and I was wondering whether there is a mechanism for getting input directly from the users and not mediated by registries and registrars. It's not mistrust in the technical community that manages the DNS. It's just the fact that sometimes you can have different perspectives that you might not be aware because your customers don't talk to you about these kind of things.

Also, maybe there are some issues that are more important in some parts of the world and some issues that are more important in other parts of the world, and that might affect the result of your study.

I'm really welcoming the initiative, but I'm wondering whether it needs to be broadened a little bit, also with input that is not coming exclusively from the technical community that is managing the DNS.

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ADRIAN KINDERIS: Thank you. I think that's really helpful. I think potentially a positive step here may well be to continue on the track that we're on with respect to developing the Best Practices document. Then I think the engagement that you talk about could actually be augmented at that point by having comment on that document. To the registrant, to the end user, do these things that are listed in here matter to you? Are we hitting the right marks?

So we can go at them now and solicit the feedback. We're trying to push forward quickly to make sure that we're delivering something. The Best Practices document will be a dynamic document. It will be something that will live and breathe, and so what we want to do is try to get feedback on that.

I think you're exactly right – to get that broad-reaching geographical diversity, culturally diverse responses might better when you're holding up a document for them to comment on.

So there could be different ways to do it. I don't know what Mason's intention is, but the point is I agree with you that we do need to get that feedback. As to how, we can work that through the mechanisms.

ROBERTO GAETANO: May I just add one thing. You're mentioning regulators. I think that a document, a proposal, that comes with also the direct input of the users and not just from the industry might be much more solid facing the attempt from legislators and the regulators to meddle with it. It's just better for everybody.

MASON COLE: Thank you for that input, Roberto. Appreciate that. I'll just add to what Adrian said. I think true where the DNA, through the HDI initiative, is looking to chalk up an achievement by establishing the Best Practices document. At that point, I agree with Adrian. I think it would be useful if we had end user input at that time. But at this point, the industry is really trying to push forward with a demonstration of its positive intent.

DAVID HUGHES: Hi. My name is David Hughes from the Recording Industry Association of America. We were invited and participated in the HDI Summit, and we are fully engaged, as are our brethren at the Motion Picture Association. We think this is a wonderful initiative. I think that everybody who is on any side of the issues will see the value of self-regulation rather than risking – people have talked about contractual rules and so on, but I think it goes beyond that. We could very well, at least in some countries, become regulated by legislation or regulation. We know in the

Internet space that every time a government tries to do that, they write language that, by the time it's implemented into law, is obsolete. And we really don't want that to happen again.

I just want to say that we fully support this, and if anybody has questions about our concerns as copyright holders, please do approach me. I have an "Ask me about IPC" pin, but you can also ask me about HDI. Thank you.

ALLEN GROGAN   Thank you, David.

HOLLY RAICHE: Holly Raiche from ALAC. I realize you're trying to stay out of ICANN, but ALAC itself is a bunch of people from all over the place. It has within ALAC a lot of diverse groups – there's APAC Hub – where you actually hear about some of the issues; for example, from Cook Island to India. There's an African group as well.

So if you're looking at the kind of diverse feedback that would be possible, particularly for any papers that you put out or anything like that, I'm just saying this would be an economical way to come. Then we've got five different regions, and within those regions, different regions, to get the sort of feedback that you may want. Just a suggestion.

ALLEN GROGAN: Okay. Appreciate that suggestion very much. Thanks, Holly.

JAMIE BAXTER: Hi. Jamie Baxter, I'm with the Community Application for .gay. I commend everything that you're doing and I think it's incredibly important to have these Best Practices in place. In fact, it seems sort of like the second coming of what community TLDs were asked to do from the very beginning.

My question is if you have actually reached out to the CTAG group, which is the community applicants here at ICANN who have used, I know in our case, a multistakeholder approach within the community itself to actually create the applications that we presented which contain Best Practices.

MASON COLE: The answer to that is: no, we haven't.

UNIDENTIFIED MALE: [inaudible]

MASON COLE: Oh, that's true. Yes, we do have somebody on the committee. You're right. So, yes, we do have representation. But I think there

is an opportunity for more input from the community. So, yes. Thank you for the question.

ADRIAN KINDERIS: I think it's Craig Schwartz from .bank who's on the…

JAMIE BAXTER: Okay, thank you.

ROD RASMUSSEN: Good morning. Rod Rasmussen of now Infoblox, but 'm wearing my APWG AntiPhishing Working Group hat for a moment here.

This is great. Love to see the industry rallying around this. I know we've had a couple of efforts in the past. This one seems to have a lot of legs, so it's good to see.

I, from the APWG perspective, would love to help out on this. In 2007, we put out a Best Practices document. Please use it and plagiarize it. That's fine with us. Even though it's been some eight years – nine years – geez, it's 2016 now – since that was written, most of that is still applicable.

There was a meeting earlier this week that the i2 Coalition brought together, I believe that was. There are other groups that really would like to see this coordinated, because the things that you're doing are also being done in other parts of the industry.

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For example, APWG has had a Trusted Intervener Program that stood up for five-plus years. It would be good to coordinate those kind of things if you're going to do some sort of trusted reporting programs. We don't want to have six of them out there probably.

There are efforts beyond just domain names as sources of issues. Of all those abuse categories you're talking about, domain names really only represent, when you have to go to a registrar, only maybe 10 – 20% of the conversation you want to have. Most of the times it's ISPs or most likely a web host where there's been a site broken into.

So this is a much broader issue and it's great that the domain name industry is really focusing on that, because it has a direct impact. But I'd encourage you to work with the other groups that are looking at these things and have been looking at them for a while so that we don't end up with six different taxonomies of abuse or different intervener programs, a lot of different processes where we can all – if we can kind of coordinate with each other and get involvement with different industry groups, that would be a lot more efficient and probably get a lot more uptake just from everybody, make things work better.

And representing APWG, we'd be very interested in helping out and participating in the group and the work going forward. Thanks.

MASON COLE: Thank you, Rod. Excellent comment about making sure that we don't have multiple taxonomies. If you do have an existing Best Practices document that we could see, I think that'd be constructive, so let's follow up after the meeting and talk about that.

ROD RASMUSSEN: It's probably in your e-mail from eight years ago, but I'll resend it if I can find it myself.

MASON COLE: Okay, thank you.

ALLEN GROGAN: There have been attempts in other industries – ISPs and so forth – to develop their own regulatory frameworks, and to some extent, that's the reason some of those things have worked: because it's come from the industry itself and the domain name industry may not have exactly the same interests as the ISPs too. But I think it's an interesting question to think about

coordination on taxonomy and approaches so that we don't have wildly inconsistent approaches out there. But that's just my personal opinion.

NORM RITCHIE: Hi. It's Norm Ritchie from the Secure Domain Foundation. Again, much like Rod, I applaud what you're doing and happy to help you in [London] as well. You mentioned in one of your slides that you're looking for a reputational database. We have one. It only focuses on crimeware. It doesn't focus on spam or intellectual property, but it probably could be enhanced for that as well.

So I'd like to sit down and talk with you actually. I'm not going to take all the time here because I have a thousand questions, but I think there's a great opportunity for us to work together.

One question I do have, though. Does your group also include ccTLDs, or is it only gTLDs? Thank you.

MASON COLE: It's a good question. At this stage, it represents just gTLDs.

ADRIAN KINDERIS: We want ccTLD input, absolutely. So, yes. It's an industry-wide. When we say 'industry,' the industry includes ccTLDs. So it's an industry-wide initiative.

As to whether we've had participation from that, I think it might be different. But we would absolutely welcome – I know that we've spoken to the NZ guys and AU also around that, because they're doing some work. I'm trying to think of who else. There was another country as well that said they had done a fair bit of work around Best Practice –

UNIDENTIFIED MALE: .nl probably.

ADRIAN KINDERIS: nl. Yes, of course nl, because [Roloff's] on our Board. So we certainly have had the ccTLD input.

UNIDENTIFIED MALE: Okay, that would be great, because I have an initiative going as well amongst the ccTLDs to actually organize themselves towards emergency contacts, but it's really about abuse.

ADRIAN KINDERIS: Yes. There's some synergies there for sure. Thanks, [inaudible]. Good on you, pal.

STEVE METALITZ: Thank you. Steve Metalitz. I'm here at ICANN, as I have been for many years, representing the Coalition for Online Accountability, which is a group of copyright oriented organizations and companies. You've heard previously from one of our members, RIAA.

I'd just like to join the chorus of support for what you're doing with HDI. It's always better if we can come up with a sound and effective self-regulatory solution for the problems that affect our industry and many consumers and many other interests that you've listed there. So we're strongly in support of the HDI initiative. Many of our member organizations are actively participating.

I do want to say one word about contract enforcement. I think there's been some statements about whether or not or how this relates to contract enforcement, and I think, while again a self-regulatory solution is in almost all cases preferable and ideal, it's unlikely to resolve all of these problems. ICANN has entered into contracts with the contracted parties that includes some tools that will be helpful in dealing with the kinds of abuse we're concerned about, and we're certainly strongly supportive of ICANN enforcing those contracts. But I think this is an extremely important complement to that contractual method and one, as many people have said, is potentially much more flexible, much more adaptable, and much more in tune with the realities on the

ground than perhaps contractual enforcement, which is necessarily a bit of a blunt instrument.

So, again, thank you for the work you've done to move this forward, and you certainly have the support from all of our copyright groups and we look forward to working with you on this.

ALLEN GROGAN: I just wanted to respond quickly. I agree with you. I think there should be complementary approaches and there's room for both of them in trying to solve these problems.

KATHY KLEIMAN: Hi. Any other comments? Okay. Kathy Kleiman, Co-founder of the Non-Commercial Users Constituency, and I've known many of you for many years. I'm going to be the voice of concern and a little bit of shock.

I see ICANN, registrars, registries, law enforcement, child protection authorities, illegal pharma experts, intellectual property, and the content industry. You're missing somebody at the table, guys. You're missing the users, as Holly shared and as I will share from the non-commercial users' perspective. You're negotiating something without having the group that works with non-commercial registrants and without having the group that

works with a lot of non-commercial users and end users. And every time that's happened in the past – and it's happened for 20 years or more – that's wound up in creating one-sided and frankly very biased policies.

I'm a little surprised. It doesn't take that much. You guys know the multi-stakeholder model as well as I do. I'd like to know where the rest of the stakeholders are. Thank you.

ADRIAN KINDERIS: John, would like to respond. John?

Speak into the mic. Sorry, John. We can't hear you.

[STATTON HAMMOCK]:   You said Avri Doria and Robin Gross were invited to participate in our group.

JOHN NEVETT: Yes, it's a great point, Kathy, because it's obviously an important part of the community. And we did invite Robin and Avri to join us in the Summit. They were not able to participate.

[STATTON HAMMOCK]: So yes. We will continue to do further outreach as we go on in this process, but an absolutely important point, and we will make sure that that voice is represented. Thank you.

RICH MERDINGER: Hello. Rich Merdinger with GoDaddy's, speaking as the Advice Chair of the Domain Name Association.

As a member of this audience I just wanted to stress something that I don't know it was ultimately clear, which is that it isn't about new gTLDs, old gTLDs, ccTLDs, it is about domains. So there is no exclusion of *any* constituency from the domain name portfolio of TLDs from any of these initiatives. If you are part of a community and you are doing something similar or adjacent to this and feel like there should be some inclusion, now that you're aware, please include yourself. Thank you.

UNIDENTIFIED MALE: Thank you, Rich.

MICHELE NEYLON: Michele Neylon, long-term repeat offender of microphones. There's a few threads around this that I think need to be addressed.

To Rod's point earlier, he mentioned the i2C sessions held earlier during the week. I'm on the Board of the Internet Infrastructure Coalition, so we were involved in running that. And Mason you were there as well. One of the things that is going on is that there are multiple initiatives coming from different parts of the overall ecosystem to try to address different aspects and different parts of abuse. By 'abuse' we're talking about abuse of the DNS. We're talking about in many cases addressing issues that are to do with security stability and things like that where you're not asking anybody to be judge, jury, and executioner, where you don't have to worry about due process because, well, let's face it, if you're distributing malware, it's pretty much game over.

One of the things I think that, when talking about the Healthy Domains Initiative – which I'm also involved with, even though I'm not a member of the DNA – you have to be careful around when we're talking about this – and I think it's the messaging that's causing a lot of concern from some people in this room – is that this is very much an ongoing discussion. I don't think there's anything decided yet, unless I missed that memo; talking about areas of abuse and potential ways of dealing with abuse.

I think a lot of people would probably agree that the industry self-regulation is key, because without the industry self-regulation – I think Adrian has spoken to that in his opening remarks – if industry doesn't self –regulate, government will,

and my simple equation when dealing with these things is "Internet + government = fail." They do a really poor job of it, because generally speaking they don't understand it, whereas those of us working within the technology industry and the Internet industry and the domain name industry have a much better chance of dealing with the issues and the threats.

The thing we have to be careful of is when you start talking about content, because immediately people are going to get very, very, concerned about aspects around freedom of speech and all that kind of stuff, which is not something I think that any of us really are able to address. We should be very careful how we deal with that.

The MPAA, RIAA, and other groups there who are dealing with issues around content and abuse of their members' licensed materials and everything else obviously have a vested interest in getting these things addressed. But for those of us in the registries and registrars to come out and say that we're going to work with them, we have to be very careful how we frame that, because otherwise it does sound like we're getting into issues of adjudicating what content should or should not be on the Internet. And this has got nothing to do with whether it's ICANN or anywhere else. It's a very, very, slippery slope.

I think what we need to be careful of is saying that, "Look, we want to work with these people. We want to be able to address their concerns. We want to make sure that they are reporting the issues to the right places." Now if a company wants to make an agreement with a group – so in the case of Donuts, they've made an agreement which has specific parameters around that – that's their voluntary effort, and that's something they can do. But we shouldn't be trying frame this to give the idea that all these companies are coming together and going to start regulating the Internet content, because I don't think that's what anybody has agreed to or signed up to. So be very careful around the messaging. Thank you.

[MASON COLE]: Thanks, Michele. No, I don't think that there is any intention that a result of this initiative would delve into content control or the idea that content control is a good idea either inside at ICANN or outside. But I appreciate that input about a potential slippery slope.

ADRIAN KINDERIS; And if I can just add a comment there, I want to draw a very clear line between the work that Donuts did with the trusted notifier program and the MPAA and this initiative, because they are two very different things. I think that the development by the

industry of a Best Practices document that can be held out to all participants to say, "This is how good actors perform," is really the theme of [where we're going]. This is not about legislating it, it's not about forcing others, and it's not about trying to open floodgates here.

This really is an effort to try to consolidate how all the things that different registries and registrars are doing today to hold up a document that can be reviewed and considered. Thanks.

CHRIS OLDKNOW: I'm Chris Oldknow from the International Chamber of commerce Business Action to Stop Counterfeiting and Piracy ICC BASCAP. I just wanted, A) to commend the initiative, and B) to in a sense reassure other people in terms, of when you look across other infrastructures, I think as Allen was explaining, on the digital side, there are lots of infrastructure providers or people somewhere between one end of the chain and the other who are involved in trying to work out how to deny access to those who do bad things and facilitate genuine commerce and genuine communications, and ICC BASCAP has been working quite heavily with that including in this initiative but also, for example, with containerized freight operators, and indeed on the payment processing side.

So I now have had some conversations earlier in the week where some people were feeling like the domain name industry has been feeling, as it were, as if they're uniquely picked out as one piece of the chain where things can be addressed. But I think it's true to say that all along 'value chains,' as you put it, intermediaries are thinking about how their role is played. Thank you.

VOLKER GREIMANN: Guten Tag. Ah, German is not supported. Okay then. I don't really care that much.

I was just looking at the list of participants and I was thinking that one essential party is missing from that equation. While it is a Healthy Domains Initiative, most of the complaints, as Michele related, relate to content, and hosting providers should be invited to the table and invited to participate. Now, in the ICANN context, hosting providers have no space because they do not belong, but having this organization, this initiative, outside of ICANN opens the chance to bring them also to the table.

As domain registrars we receive a lot of complaints regarding subdomains, regarding content, regarding hosted contents, and having those players at the table as well would be very valuable, I think, to address many of the problems that we cannot address as registrars or registries.

ADRIAN KINDERIS: Thanks, Volker. Good feedback. Were there any more questions?

ALLEN GROGAN: No more questions online.

ADRIAN KINDERIS: If I may, guys, it's very easy to, with an issue like this, see it as a negative reaction to what is going on within the industry and what is impacting consumers. The HDI initiative should be about showcasing the positive efforts of the industry that exist currently now in small pockets. Really what we're trying to do is highlight those and consolidate them such that the industry can work towards a more positive impact.

So I don't want this to be a negative conversation. It really should be about highlighting positivity that this industry is already doing and will continue to do to ensure a healthy ecosystem within the domain name space.

So I don't' know if that's a good end or whatever, but I'll hand over to Mason, but let's not walk away from this saying that we're looking for negative things to hold up to the industry. I think once again and just to reiterate the point, this should be

about showcasing positive steps that this industry is doing already and consolidating them. Thank you.

MASON COLE: I'll just add to what Adrian said. I'd like to underline that. I agree this very much is an effort to be positive about what's going on in the domain name industry and make the industry even more positive.

So that said, I know as Chair of this effort, I appreciate all of the constructive feedback that we just got out of this session. I think it was very useful. We had some good takeaways. In fact, we have a committee planning meeting later on today. I think these will be good items for discussion. On that note, Allen?

ADRIAN KINDERIS: I've just got one more. Sorry. I'd like to thank ICANN for hosting this session. If nothing else, at least we've been able to reach potentially a whole bunch of people that didn't know about the initiative already or didn't feel like they could contribute. So hopefully today's debunked a little bit of that. I certainly welcomed the feedback by the audience and some of the slapping in the face that potentially we were going down wrong paths. So that's welcome, guys. And please keep it up.

This whole initiative will be better from a broad range of input. So we strongly suggest you come forward, and thanks to ICANN for helping us highlight this cause. Thank you.

ALLEN GROGAN: Thanks to all the panelists for participating and thanks to all of you for joining in the dialog. Let's keep it up. Thank you.

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