
ICANN67 | Virtual Community Forum – Joint Meeting: ICANN Board and ALAC
Wednesday, March 11, 2020 – 09:00 to 10:00 CUN

LEON SANCHEZ: I guess we can start the recording, please.

And I would like to remind you to mute your mics. Again, we have some echo coming in.

AUDIO: This meeting is being recorded.

LEON SANCHEZ: Hello, everyone. This is Leon Sanchez. This is the joint meeting of the ICANN Board with the ALAC on ICANN67 on Wednesday, March 11, 2020.

So I would like to welcome you all to this session. And some -- some housekeeping. Please state your name when speaking. Remember, this is a remote virtual meeting, so it is important that we identify ourselves when speaking for the transcript record. And also, if you could speak clearly and slowly. Remember that not everyone attending this call is an English native speaker, so try to speak as clearly and as slowly as possible so that everyone in the room is able to follow the conversation.

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As we have stated before, we would like to have this be a conversation that is a little bit more interactive, a little less formal and try to actually have a fruitful discussion on the topics that are of interest to the At-Large community. So having welcomed you all, I can tell you that the Board is eager to have this conversation with you and also we would like to further have your thoughts on an issue that I think is on top of everyone's mind at this point, which is further in the agenda, but particular on DNS abuse. We have received advice from the ALAC in December. We are currently taking care of it through our established process, and we will be coming back to you with some feedback on that shortly.

But without further ado, I would like to introduce Maureen Hilyard, the chair of the ALAC, and I would like you, Maureen, to walk us through the different topics that are of interest to the ALAC, and of course begin this dialogue with you.

MAUREEN HILYARD: Thank you. Thank you, Leon. I hope you can hear me.

LEON SANCHEZ: Yes, we can hear you loud and clear.

MAUREEN HILYARD: Thank you very much. And thank you, everyone, for coming, and welcome to the members of the Board. We're very honored to be here and to have an opportunity for the ALAC and the At-Large community,

especially those who are online, to be able to raise and discuss matters of interest to us both.

Going through the agenda, what I have done is, if we could start with the priorities that we have, it's all about us, and what we proposed for 2020. And some of those have lent themselves to improvements in At-Large as well as to our contribution to the expectations of ICANN's strategic objectives. So as we're going through I'm hoping we're answering some of the Board's expectations of us as well.

Organizationally, our priorities were set as we prepared for ATL III in Montreal. And work plan 2020 has some major milestones we want to achieve related to the goals that we set at that time.

Firstly, though, with regards to our At-Large review implementation plan, just to sort of let you know that we are forging ahead with completing the final stages of our remaining incomplete activities, and we propose to have the final report ready for the Board by June as promised.

So there's nothing much more to add that you don't know already, so moving on to the second item on our agenda, which really is sort of the main one of interest, probably, to you, and it is with regard to the strategic plan specifically. But our main focus in that respect has been in relation to improvements in our impact. This is on a daily basis that we'll contribute towards strengthening ICANN's goals. And security and stability of the DNS is something of importance to us, thus a discussion topic that we're raising later based on the ICANN issues

that are deemed important to the CPWG as they impact end users, and of course they are our focus.

We have ensured that PIR political issues are included in the entire conference program this week, but more specifically what we have focused on have been the governance issues to do with finance but also those surrounding the evolving multistakeholder model, which is something that was led within the CPWG by Marita Moll. And I would like Marita to briefly speak to us about her issue with regard to this.

Marita, if you're available, please.

MARITA MOLL: Hello. Now I've unmuted myself. Can I be heard?

(Laughing)

MAUREEN HILYARD: Not a problem. Thank you, Marita.

MARITA MOLL: Thank you. Marita Moll speaking, for the record, speaking to you from Canada where it's not snowing at the moment but it's sure to be shortly.

I'm going to say a few words on what's happening or just to speak to the Board about some of our questions around what's happening on the evolving multistakeholder model agenda. We spent a great deal of time, the entire community has, on working through the many aspects

of this program with Brian Cute over the last year, and we came a long way and made a lot of good progress, ending with the final presentation that Brian gave in Montreal, and at which various tasks were allocated to various people.

And then we were quite surprised, I'm sure everyone was, to find the report that came out of the Montreal meeting included as Appendix C in the operating and financial plans. Now, we were quite confused by this, I'm sure other people were, as appendices sometimes are, for your information, kind of, you know, additions to documents, whereas we did not know or were not certain before we made other inquiries whether or not we were meant to comment on that Appendix C. Indeed, we were. But I do want to point out that I think we weren't the only ones who were a bit on confused by this. On a meeting on Sunday on the strategic plan document -- the operating financial plan documents, it turned out that only 19% of the community actually -- out of all the comments, only 19% were about that -- were about the multistakeholder plan, whereas this is top of the agenda for just about everybody.

So this is -- this is one thing that is a little bit worrisome. I think a lot of people either weren't heard or didn't have time to be heard on this. And it was unfortunate that it was placed that way so that it did not receive the priority that it should have.

We did get some comments in, not as much as we would have liked to have due to lack of time. So it leads us to the question where are we going to go from here? What happens now as this project moves

forward? I know that for sure you aren't going to be able to give us charter and verse about how this is going to go, but we'd certainly like to understand a little more about what we should expect on how this will move forward, who will be taking responsibility in the organization? Will it be an in-house project? Will we continue to be a project manager as we have had? And when will it start?

Thank you.

LEON SANCHEZ: Thank you very much, Marita.

MAUREEN HILYARD: Thank you, Marita. Leon, yes.

LEON SANCHEZ: Sorry for hijacking you, Maureen.

MAUREEN HILYARD: No, no, no.

LEON SANCHEZ: So thanks, Marita, for your contribution.

I think we have a couple of people in the Board and org that would like to react to what we just heard. So I would like to give the floor to Matthew Shears on this.

Matthew.

MATTHEW SHEARS:

Thanks, Leon. I'm hoping you can hear me all right. And thanks very much, Marita, for your comments on this. And I'm just going to give a couple of thoughts, and then ask Theresa Swinehart to add to it.

So the -- Where we are at the moment is that, yes, there were a number of parts of the community that responded as a part of that public comment, and we appreciate -- very much appreciate yours and those -- comments and those that commented on the multistakeholder model evolution.

More broadly, I think where we stand at the moment is that we are in the process of collating, and those of you from the community that were -- the comments that were made, and staff is putting that together so that we can have a fuller sense as to the diversity of views that were expressed.

From an initial reading, though, I can certainly say that, yes, not all parts of the community responded. I think what was interesting also was that a number of things were restated that we had heard during the sessions that Brian had shepherded, including pointing out the amount of work that's being done in the various areas of the six topics that were identified and the importance of seeing various initiatives such as PDP 3.0 continue and to see how they can satisfy some of the issues that were raised as a part of the Cute project.

In the Board, there were two shepherds in the Board. I'm one of them and Mandla Msimang is the other. And we are working with Theresa

and MSSI to understand what the next steps are. This is not something that's going away. The Board is very much committed to seeing this Board continue. The issue really is how do we ensure that it continues? How do we ensure that it does not take a huge amount of community time to further elaborate and then implement the various parts of this initiative? And how do we take into account all the various efforts that may well play into these six issue areas, such as ATRT3 and streamlining, prioritizing reviews, et cetera.

So the Board has not forgotten this or put it on the side. We are very much aware of it, and we will be coming back to the community once we've had an opportunity to digest the various comments. But maybe, Leon, I can turn it over to Theresa, if she wants to add to it.

LEON SANCHEZ:

Yes, please. Please, Theresa, if you could add. If you have something to add.

THERESA SWINEHART:

Sure, Leon. Thank you. Thanks. And we appreciate that -- that incorporating this into the discussions around the operating plan was something we had to figure out also logistically how to do. And I just want to note, though, that the second largest number of comments relating to some of the operating and other planning areas, we estimate it was about 19% of the comments related to this topic, and the team has been incorporating those comments and looking at them, and then looking at the next steps, as Matthew had outlined.

While it was in the annex, the comments that came in were very much also aligned with that and gave the opportunity to look at those and reflect those in the context also of the broader operating planning process and the comments (coughing) for that.

LEON SANCHEZ: Thank you very much, Theresa.

So I -- I guess that -- that addresses your -- your comments, Marita. Is that right?

MARITA MOLL: Yes. We just wanted to highlight, really, the -- our concern that we wanted to make sure that this is going to continue to go forward and to go forward strongly as it has been going in the past year, because it's extremely important. And we just -- we just wanted to make sure that that was on the agenda as it should be.

Thank you.

LEON SANCHEZ: Thank you very much, Marita. Matt, I see your hand up. Is that an old hand or a new hand?

MATTHEW SHEARS: No, a new hand, Leon. Just to say, Marita, we thank you very much for putting this on the agenda and reminding us of its importance, and I can assure you that we are going to be taking it forward and look forward to further discussions on this.

Thanks very much.

LEON SANCHEZ: Thank you, Matt.

Yesim.

YESIM NAZLAR: Thank you, Leon. Yesim speaking. We have a comment from one of our participants on Zoom. The comment is from Javier Rua-Jovet. He says Marita's points are crucial. Evolving the MSM should be on top of the ICANN agenda, which in my view includes PDP 3. I truly hope that next steps include a more concerted, wide-ranging effort.

Thank you.

LEON SANCHEZ: Thank you very much, Yesim. Thank you very much, Javier, for your comment.

Now I would like to go back to Maureen for the next item.

MAUREEN HILYARD:

Thank you. Thank you, Leon. And I appreciate the comments from the Board members.

The next issue, of course, is capacity building. And I believe you received a copy of my ATLAS III report which described the lead-up to what we're focusing our attention on as a follow-up to ATLAS III in Montreal.

The capacity building of our ATLAS ambassadors was a key objective, but greater strengthening across our membership is the ultimate goal. Joanna was leading our capacity-building program in collaboration with our outreach and engagement working group. And I would like her to explain what we're doing in this respect. Joanna, please.

JOANNA KULESZA:

Thank you, Maureen. This is Joanna for the transcript record. I will try to be brief summarizing the work that has been done thus far and briefly indicate what are our plans for the nearest future.

As Maureen indicated, we have been focusing on our At-Large ATLAS III ambassadors, and I'm glad to report that they have been quite active, both regionally and when it comes to At-Large as the entire community in the capacity building working group which Alfredo and myself have the pleasure of leading. We have enjoyed increased participation, particularly from ATLAS ambassadors.

In that sense, we have been able to prioritize our work in the short term to focus on three themes. One of those is an ICANN Learn course that will have an onboarding element to it. We want this to have two

elements. We want it to be an introduction and to the policy and advice development process within At-Large as well as an information resource about the community itself. That is in the works. We have been in touch with Betsy and, again, the ATLAS ambassadors have been supported there.

The second subgroup or a small working team that also includes ATLAS ambassadors is focusing on providing a resource that will be an onboarding slide deck or an interactive website.

Now, in this context, I would like to highlight that we have discovered an opportunity for moving forward with creating what we like to think about as a central repository of open sourced materials, be sources that can be of use for the entire community. I think this will become the central point of our capacity-building plans, working closely with the outreach and engagement group that is headed by Daniel.

In that sense, as Maureen indicated, there is a strategy that focuses on At-Large communications. We want to make sure that we centralize the efforts. This has come up in our discussions with Jonathan on the policy platform. On one hand, we want to make sure that the resources we have focus on specific themes that are high on At-Large agenda. On the other hand, we want to ensure that those are available both to At-large in the regions, overall, as well as to the entire ICANN community. So that repository of resources will likely also be high on our agenda.

And we are pursuing a series of Webinars. Hadia is leading that small group that has identified already priorities for the entire community

and for the regions. We will alternate with the timing to better fit those different time zones that our community spans across. And all of this work is being done in close collaboration with RALO leaders focusing also on regional needs in terms of capacity building, but what we are trying to achieve is coordinate those efforts.

I will stop here, and I'm happy to answer questions. Thank you very much.

LEON SANCHEZ:

Thank you very much, Joanna, for this contribution.

I think what the ALAC and the different RALOs and ALSs are doing in terms of capacity building and creating awareness about the role of ICANN, what ICANN does, et cetera, et cetera, is crucial to actually continue to engage more people into these volunteer strings. So I thank you for all your efforts.

As I said, I think they are crucial to continue fostering them, feeding the ICANN community into forming new volunteers.

Maybe, Maarten, would you like to react to capacity building?

MAARTEN BOTTERMAN:

Yes, thanks, Leon. I couldn't agree less -- more than what you just said.

The capacity-building activities out there in all the regions and also thanks to your regional structure is, I think, very important for growing

a better understanding of ICANN and all the work it does and the involvement it needs from end users to be on course.

And with that, just in addition to that, I think the way you guys are doing it also exemplified in the recent ATLAS meeting where it's not only about talk shop but also really about sharing knowledge with people, developing knowledge, and facilitated dialogue like that, both on a global and in a regional level, I think it's exemplary and very important. So thank you for all that.

LEON SANCHEZ: Thank you very much, Maarten.

Lito, would you like to add something?

LITO IBARRA: Yes, Leon. Thank you. And thank you, all, for these efforts in capacity building. I had the opportunity to chair a few (indiscernible) while the ATLAS III was going on. And I had a very good impression from it. And also I would like to comment on the -- also, although I know it's preemptive something about the DNS abuse -- I know Jonathan is going to present this. But I watched a video, the one that was shown a couple of days ago but also the Spanish version of the video on DNS abuse. So I think you're working very well in this capacity-building issue. Thank you.

LEON SANCHEZ: Thank you very much, Lito.

By the way, I acknowledged that we have received the ATLAS III implementation report. And I think it's just amazing, all the advancements that you have achieved. So I thank you for that, Maureen and everyone involved.

And I guess I can go back to you, Maureen, to continue with the next item.

MAUREEN HILYARD:

Thank you, Leon. Maureen for the record.

Just continuing with the next item, collaboration and partnerships. Along the -- alongside the communication efforts at ATLAS III, we did a big focus on communication within the ICANN community and outside of it to ensure that the ATLAS III talking points and the goals and objectives were appropriately sort of distributed to -- into those areas.

We have since developed an At-Large communications strategy which we will continue, as we continue with our liaison, especially our liaison and working partnerships, with other sections of the ICANN community.

We've been especially sort of focusing on the GAC with whom we're working on policy as well as capacity-building areas and with the ccNSO and GNSO with prominent ALAC representation on their PDPs, in particular the EPDP, of course; ATRT3; sub pro; and, of course, recently with work track 5, as well as our involvement in auction proceeds. So it's a pretty active group, and it's working with the ICANN community.

And I just have to add that considering many of us do not come from domain or Internet-related backgrounds, we've been extremely fortunate in the number of our volunteers who have put themselves forward and given years of their lives to some of these efforts on ICANN's behalf, when I think of how long some of these PDPs have been going on for.

So I think that with regards to that, we do -- I really do thank the At-Large community for their efforts with regards to their contribution to the work that we are doing within At-Large. And it's not just -- it's just not limited to the high-level work but, again, including those -- the members, the people who have become very engaged, as Joanna mentioned, in the -- from the ATLAS ambassadors but the fact that they've taken that on board, including others who have always been part of it but could not be part of the ATLAS program. But we -- we're really sort of building -- as we said, the purpose of building capacity is to encourage more of our members to become involved in other sections -- in the work of other sections of the ICANN community, learning more and bringing those perspectives back into our own discussions.

But it is really important -- one of the other will important issues is the fact that we have a good relationship with our global stakeholder engagement team. And I do note there's been a more proactive partnership developing with our RALO teams. And that's been an important -- it's an important group of people for our membership groups within our community to get that support from ICANN from those teams.

Are there any comments from the Board on partnerships? It was something that we want to focus on more.

LEON SANCHEZ:

Thank you very much, Maureen. This is Leon Sanchez again.

I think you're quite right. In my experience, at least I think that getting out of our silos and actually engaging across communities has proven to be a very effective way of carrying out our work. By all means, I would encourage us all to continue doing this effort and this outreach to other parts of the community so that we can, of course, better understand where everyone comes from and where everyone is trying to get to.

So from the Board's perspective, you might be aware because it's one of our strategic -- one of our operational priorities is to enhance the relationship that we have with the community. So I guess this collaboration of partnerships with other ICANN communities fits perfect into these operational priorities. So it's also on top of our agenda. It's also one of our top-of-mind thoughts.

And having this kind of conversation with you and, of course, with others in the community, I mean, I'm thinking a less formal way, a more relaxed way, I think it contributes a lot to actually pull us closer together. So let's by all means continue to engage and to continue to do this kind of effort.

I'm not sure if someone else in the Board would like to comment on this.

I see that we have Shreedeeep Rayamajhi. My apologies if I didn't pronounce your name correctly. I will go to you just after I double check with my Board colleagues, if someone wants to react to what we just heard from Maureen in collaborating with other communities.

So does anyone on the Board like to add to this?

MAARTEN BOTTERMAN: Yes.

LEON SANCHEZ: Yes, Maarten.

MAARTEN BOTTERMAN: Just to add that I think one of the developments we saw over the last years and that, I think, is evolving the multistakeholder model success as well is that at some point, it used to be everything would go to the Board and constituencies would ask the Board to talk to other constituencies.

I think what we see over time more and more is that actually constituencies talk directly with the constituencies they want to interact with. And I think that's a healthy development because that leads to better informed policy making in the different SOs, et cetera. So really appreciate that as well.

LEON SANCHEZ: Thank you very much, Maarten. Any other Board colleagues would like to follow up on this?

Good.

So I see Shreedeeep Rayamajhi on the queue. Shreedeeep, would you like to make a comment?

Shreedeeep, if you are talking, we cannot hear you. Okay, I see you lowered your hand. So maybe it was just an old hand.

So back to you, Maureen.

MAUREEN HILYARD: Thank you. Yeah, Shreedeeep is still on the call. I'm just wondering whether his system connection is okay.

Anyway, moving on to the policy, which of course is our -- is our key -- is our key area. And in relation to our policy interests, of course our Consolidated Policy Working Group, CPWG, certainly deals with the continual flow of the policy issues from other sections of the ICANN community for which we, in response to our duty from the wider community, strive to discuss and propose advice and statements on these topics as much as time and human capacity will allow. And I must admit we have a very healthy, in terms of numbers, CPW team which meets weekly to do this, and I really do appreciate the efforts that people make to select turn up. But even as we share this, we share the pain with regards to the working hours of this particular group, but, you know, I think that's really contributed to the quality of

the -- of the statements that have come out of At-Large due to the -- the many backgrounds and interest groups that contribute to it. And it's -- but at the same time, you know, the focus, we're always mindful that our mission is to remember the end users and what is important for us to focus on when it comes to what more greatly affects end-user interests.

And of course this leads us to our At-Large policy platform which focuses on key areas of -- in which we focus on two key areas of policy development; mainly security and stability, and trust. And it's for this reason that we still have concerns about the operational readiness with ICANN for a new round of gTLD, and we wanted to raise these concerns with you.

So what I'm going to do now is I'm going to pass the mic over to Jonathan and Joanna to take the lead on furthering this discussion on these -- the policy topics that we have listed.

Thank you, Leon.

And Jonathan.

JONATHAN ZUCK:

Thanks, Maureen. And thanks, everyone, for being a part of this call. I think this is our best-ever attendance at an ALAC board meeting, and so it's a lot of fun to have a big and broad discussion.

In preparation for this meeting, I went back and watched, slash, listened to the board meeting with the Commercial Stakeholders

Group, because I know they have been expressing some of the same concerns that we have. And we also had a previous session on Monday that was a really interesting discussion that involved Jamie from Compliance and James Bladel from GoDaddy, and kind of going through a number of scenarios of DNS abuse and what the best process would be for Compliance to handle these different scenarios. It was just different types of DNS abuse, different -- you know, little hypothetical situations, for example, and how they might be best handled.

And I guess I have, after both of those exercises, you know, two observations which is that everybody, you know, inside the walls of an ICANN meeting, even if they're virtual walls, are pretty much on the same side when it comes to DNS abuse, and we need to be really cautious about turning on each other about this and getting too overly frustrated with each other because most of the bad actors are not the ones showing up at ICANN meetings. And so that's both a good thing and a bad thing from a perspective of trying to find a path forward. But I think it's worth focusing on that fact that we share an objective, all of us, to decrease the incidence of DNS abuse, and everyone is working on it. And so we just need to find a way to get more aligned on what the path forward is to -- to accomplish that, because it's a growing problem. It's not going away. The safeguards that were put in place for the new round were largely ineffective, as -- as discovered by the research of the CCT review. And so we need to find a path forward. And I've gone through the clarification questions. We haven't gotten these back to you yet. We've gone through the

clarification questions received from the Board on our advice, and a lot of them boiled down to how we might go about effecting the changes that we're proposing. And I think that that's -- I think that that's a big part of the complexity of this, is what is the right process by which some of these changes might occur.

But what is clear from a straight -- straight policy perspective and from that session we had on Monday is that -- and statements from Compliance -- previous statements from Compliance, is Compliance lacks the tools necessary to combat what we've sometimes referred to as systemic abuse, and sort of repeat offenders that have such a high percentage of contract violation that the process of complaint-and-response just isn't sufficient to deal with them, and we need to find what the best pathway forward is, whether it's a PDP, whether it's changes to the contract, which I think we all kind of rely on quite a bit, you know. And you're right to remind us that that's a voluntary process, and we need to find a way to get aligned on what the solution should be and allay some of the fears of the good actors among the contracted parties, because anytime we talk about additional regulation in any country, in almost any context, there's always the same conversation that when you create new laws, you're affecting the lawful more than the lawless; right? So you've created new burdens for the people who are actually paying attention to the rules and not -- and not necessarily creating more problems for people that are ignoring them. And so I think that same quandary exists in these discussions about DNS abuse.

And so those are some of my high-level points that come back from this DNS abuse experience and some of the conversations we have been having this week.

And so what I'd like to do, from a -- just a conversational standpoint, is ask the Board for their feedback on the ideas themselves. And I realize this is not going to be official or formal feedback but more personal opinions of members of the Board that we will not hold against you if the Board, as a body, does something different, et cetera. But as an initial question, I'm curious what your reaction is to the ideas themselves, independent of how they might come to pass. And, you know, so some of these ideas involve giving Compliance the necessary tools to do sort of systemic investigations of contracted parties based on what's in DAAR, for example. The ability to set a -- some sort of DNS abuse threshold in the contracts that's high enough that it doesn't capture too many dolphins in the tuna net, as we sometimes say. You know, is it high enough that the good actors are nowhere close but that we can really focus in on the egregious actors, et cetera.

And so you've read the advice. You've seen some of our ideas. Some of the research that's going on around machine learning, et cetera. I guess what I'd love to do is get your feedback on the ideas themselves independently of how we might actually -- what process might result in those ideas being implemented.

I hope that's -- I hope that's clear and helpful.

LEON SANCHEZ:

Thank you very much, Jonathan.

So I have two colleagues that would like to react to this. I have first Goran. So, Goran, would you like to take the floor?

GORAN MARBY:

Thank you. I would like to start by thanking you, recognizing that a lot of things have changed over the last couple of years. And I really appreciate that you recognize that, because you point out that it's time for us to sort of move on, and some of the rhetoric around this has to change if you just look back. And I'm quite proud of the discussion right now. And also, thank you for recognizing that over the last couple of years, with the introduction of DAAR -- I know you love numbers, so DAAR provides numbers, and it's a very important tool which we are working on to improve even more.

Another thing that, as you like numbers, the health indicators which shows also -- you know, there's often discussion where the problem lies, and a lot of the discussions about the new gTLD program, for instance, the health indicators shows a little bit of -- broadens the discussion which you talked about as well that many -- a big part of this problem might not even be under ICANN's remit. The top-level domains are -- there are 350 million domain names, I think, around the world, and about 280 or something is under -- is under some policy-making process. I also would to thank At-Large for your recognition about the contract amendments to Verisign which now, for the first time, is going to be part of the abuse reporting going forward. And to the extent, also, the contracted parties' initiative, which I know is 50-

plus companies that signed on to a more formalized work -- work against abuse.

So I agree with you, there is something really happening within the ICANN community to this. But there's one thing that you said which is -- we know that there are about eight to ten really bad actors out there. And what I would really like to engage with the community about, and everybody else, if there are eight to ten really bad actors, and some of them is not participating in ICANN meetings, how can we together with -- ICANN as an institution together with other ones actually act so we can take those down? Because in essence, as you sort of reference is that doesn't matter if the good actors reports more if we don't have the ability together with outside ICANN go after the really bad actors.

And I think your comments are well taken in that direction, because that's something that I think about a lot.

ICANN as an institution has a role to play here, together with other active partners, to go after the really bad actors.

So thank you for this. And thank you for pointing out that we are moving and we are moving in a positive direction but we sort of reached a point where we also have to think about how to embrace outside, because as the number shows, the problem doesn't all lie in the new gTLD program.

Thank you for that.

LEON SANCHEZ: Thank you very much, Goran.

We have a little bit over 15 minutes left, and it's still a couple of topics to cover, so I will go to my Klieg Becky Burr to follow up on DNS abuse.

Becky.

BECKY BURR: Thank you. And thank you, Jonathan. I think the way you set the issues out here is actually incredibly right on point. I do think that there is general awareness across the community about the problem. We now need to sort of come together and understand our tools and really have a collective consensus about what tools work in what situations and where we need to develop other tools.

We did -- We were very, very interested in the advice that we got from the ALAC on -- on the abuse issue. I hope that you appreciated the detail and care that went into our understanding scorecard, and we're very much looking forward to sort of further discussions moving that process.

One of the things that's interesting is of course we get input from other parts of the community, but with an advisory committee we have a very formal process for responding to, analyzing, and engaging about formal advice. And so I think this is a really excellent opportunity for us all to work together to make sure that we are sort of on the same page in terms of the words we're using. When we're not on the same page, that we've identified those things and have a plan to -- to get onto the same page.

But I just wanted to say no one is under any -- I think -- I think that there is broad agreement about the problem, and I really appreciate the ALAC's engagement on this issue and the constructive way it's doing it.

LEON SANCHEZ:

Thank you very much, Becky. I see that Alan is in the queue.

Alan, can I please ask you to keep it brief.

Alan? You are muted. If you are speaking, we can't hear you.

ALAN GREENBERG:

Sorry. I was muted on Zoom and locally. I think one of the larger problems is contracted parties say ICANN has sufficient tools to take down the bad actors in one way or another. ICANN compliance says we don't have the right tools.

I think we need a conversation between those parties, preferably with those involved, and make sure that we're not -- we're not preaching from different books.

If we all agree there's a problem, we need to come up with what the answers are and not be disagreeing with ourselves on the methodology. And that's really, in my mind, one of the larger parts of the focus and something I think the Board can take action on to orchestrate such a meeting. Thank you -- for such discussions. Thank you.

LEON SANCHEZ: Thank you very much, Alan.

GORAN MARBY: This is Goran. Can I add a point?

LEON SANCHEZ: Sure. And then I will go to Ron.

GORAN MARBY: Yes. Just as you noted, the health indicators currently shows that there are five registries that stands for 90% of abuse according to the principles we have been doing there.

LEON SANCHEZ: Thanks, Goran.

Ron.

RON DA SILVA: Yeah, thanks, Leon.

I think Jonathan alluded back to the CSG discussion which was very similar and, namely, that there are expectations that the organization through contracts could be doing certain things. And there seems to be sort of a gap between expectations of what can be done and what we're actually doing. I think some of it is integrated into some of the

voluntary requirements and some of the contracts and some of it is not.

And, in fact, probably the ones that are best behaved, registries and registrars, are the ones most likely to be compliant. It's the ones like Goran is alluding to, there's some bad actors that are doing most of the work. And that's probably the problem space we need to focus on.

But I think to Becky's point, there are -- perhaps having a session where we can identify what are the expectations and what is not happening and then use that to inform either additions or changes to the agreements which, of course, then need to be negotiated and likely the bad actors aren't going to agree to it or use that to inform into the policy process to get it embedded into policy language, that then is put into the agreement through policy process, probably more effective there.

But I think it's a similar issue that we addressed in the CSG meeting. We're hitting it here as well. Yes, there is abuse. There are problems. There are expectations that the contract should be leveraged, but the capabilities aren't there. And I think there's sort of a misunderstanding of what we can and cannot do and probably would be effective to have a discussion to identify that and use that to feed into additional requirements in the contracts but also to feed into policy process to get it codified there.

LEON SANCHEZ:

Thanks, Ron.

So, back to you, Jonathan.

JONATHAN ZUCK:

Thanks, Leon. Thanks for managing the queue.

Yeah, I guess the -- one of the challenges for the Board is that you have periodic points of influence in some respects because a lot of decisions that get made by the community ultimately need your approval as a final step.

And I guess what we'd really like to see from the Board is an acknowledgment that this issue is of such severity and seriousness that, for example, a new round wouldn't go forward without some of these reforms being put in place, that the status quo isn't acceptable, that the right tools aren't in place because we see things like Alpnames that went on for years and the only real resolution of that came when they fell apart themselves versus compliance having the necessary means to look at them holistically and take them down.

So I think we as a group need to acknowledge the status quo is not sufficient and that part of that acknowledgment has got to be to avail ourselves of the next inflection point in the DNS by saying that this will not go forward without some substantial efforts and reform in the area of DNS abuse mitigation.

Do you have some -- does anyone want to speak to that notion?

GORAN MARBY:

Sorry, this is Goran.

So can I -- you know, first of all, I have to say that this Board -- I'm very impressed with this Board. I mean, by the way, this Board is the best board ever.

But if you look since at least I joined, this Board has, my understanding, worked more with abuse-related questions than any Board has done before.

The investment we did in DAAR -- I mean, DAAR was something that has been on the drawing board for many, many years. I mean, this Board that -- most of the Board members you have here is the ones who were actually, I would say, brave enough to issue this tool that now everybody says is something good.

I mean, when this Board stood behind the decision to bring this out, it was highly conflicted by many people.

And the investment in the health indicators is the same thing. I mean, the health indicators, if you use that, you will see that maybe the biggest problem when it comes to abuse doesn't come from the new gTLD program. On average it's actually a very small percentage that actually comes from the new gTLD program, which I think, as you know -- like, in fact, that's a very important thing to do.

But then we also have to respect the bylaws when it comes to the community interaction, when it comes to additional things. Yes, Jamie is the first one to acknowledge that depending on which definition you have of "abuse," that it would be possible to do things together with the contracted parties that we cannot do today. And we

are engaging with the contracted parties to do that, which I think is a very positive thing.

For some reason that eludes me, the spec level 3B is not based on policy, it's based on -- that's based on contract negotiations.

And I always thought -- and I think everybody agrees -- that this thing should very much belong to the community process. And it's actually happening.

So I agree with you to 99%. But I don't -- I think it's important to recognize that there are things moving, and this Board has been -- and I can talk for the Board here -- they cannot -- has done more than any other boards when it comes to working against abuse, still respecting the importance of a bottom-up process for policies.

Remember that when -- the contracted parties has this fairly unique thing in their contracts. They have said yes to that -- when there is a community policy through the multistakeholder model that gets accepted, that goes into the contract and it becomes binding for them. And that's a very strong force for the community to come together.

And I think that I'm not -- contracted parties doesn't always like the things I do. I will tell you actually for once I am going to give them a compliment. They seem to be very open about this.

But, on the other hand, as you pointed out before, we have many good actors coming to the ICANN meetings. The problem are five to ten bad actors in the registrars and registry space. And I would like to

continue to work how to get after them, even if they're not inside the ICANN remit itself.

LEON SANCHEZ:

Thank you very much, Goran.

Does -- anyone else on the Board like to follow up or react? Okay. I don't see any hands.

So back to you, Jonathan.

JONATHAN ZUCK:

Thanks, Leon. And thanks, Goran.

I do want to acknowledge the efforts of this Board and of ICANN Org. Like I said before, I know that everybody's on -- has the same intentions. The difficulty with the bottom-up multistakeholder approach sometimes is by the time things are translated into contract language, it can get pretty watered down.

If we look at the contracts as they currently exist, most of them only require that a policy be put in place with no actual requirement that that policy be followed or measured or have any certain fundamental underlying basis.

And so it's possible to have this chain of communications where one party says, well, I'm required to require my next partner to have an agreement with their customers that they won't do X. And everyone along the chain has that policy built into their contracts. But the folks

about whom we are speaking are simply not following that or enforcing that portion of their contract.

And I know that in your email to the -- your letter to the CSG, there's a now sort of infamous quote that we expect people to follow the contracts that they participate in. And that's not -- that expectation isn't enough.

So, you know, certainly that's not the line we use when it comes to the accreditation fees that they need to pay, that we just expect people to pay. And if they don't, we wring our hands about it. That hasn't been the case, right? And so we need to find a way to get enforcement of other provisions of the contract to occupy the same status as the payment of fees.

All right. Let's --

GORAN MARBY: Can I ask a clarifying question?

JONATHAN ZUCK: Yes, of course.

GORAN MARBY: Can I ask a clarifying question? Did I misunderstand you? You sort of implied that we are enforcing according to some revenue model. What did you mean?

JONATHAN ZUCK: Well, I guess what I mean is that there was a registry in -- registrar in China, for example, whose registrations were in the 90s in terms of abuse. And complaints flooded into ICANN about the state of that registrar. And it took a year for their accreditation to be revoked. And when that happened, it was because of the failure to pay their fees. And I would suggest the optics of that are not ideal.

GORAN MARBY: I have no idea where this legend comes from. I can assure you the worst registrar is not from China. It's from that part of the world but not from that country. And the second one -- worst registrar is not from that part of the world at all.

JONATHAN ZUCK: I'm not trying to impugn any part of the world. And I'm happy -- in the CCT report, we actually document which registrar it is because of the DNS abuse report that we did. So that there was a registrar from that part of the world that went for a year, an entire year, engaged in primarily criminal conduct and their accreditation was only revoked when they failed to pay their fees. That's the point I'm trying to make, not where they're from.

LEON SANCHEZ: Good. Sorry to interrupt you guys. I think we could continue to discuss this topic for ages, as we have had so far. But we have one minute left and we need to clear the room, of course, for the next meeting.

I'm sorry we weren't able to cover the last two issues. But, of course, these are some of the challenges we face when we go very long.

Thank you very much, everyone, for attending this session. This is Leon Sanchez, again. Thank you, Maureen, Joanna, Jonathan and everyone who has attended and contributed to the session. We really look forward to continue our engagement in our discussions with the ALAC. Thank you very much. This meeting is now adjourned.

MAUREEN HILYARD: Thank you, everyone. Thank you to the Board.

AUDIO: The recording has stopped.

[END OF TRANSCRIPTION]