
ICANN68 | Virtual Policy Forum - Joint ICANN Board and GNSO Council
Wednesday, June 24, 2020 - 15:30 to 16:30 MYT

FRANCO CARRASCO: Good morning, good afternoon, and good evening, everyone. Welcome to the joint meeting between the ICANN Board and the GNSO Council on Wednesday, 24 June of 2020. My name is Franco Carrasco from the ICANN staff, and I will be your remote participation manager for this meeting.

Before we get started, I would like to provide some brief information. Please note that we are holding this Webinar as a Zoom Webinar. Be advised that the floor on this session is reserved exclusively for interaction between the ICANN Board and the GNSO Council members. We, therefore, have the members of both groups promoted as panelists today and are the only ones able to speak.

For our panelists, please raise your hand in Zoom in order to join the queue to participate. All panelists are muted by default, so you may proceed to unmute yourself when you are given the floor.

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Finally, we kindly ask everyone in this meeting to abide by the expected ICANN standards of behavior. You may view this on the link provided on the Zoom chat.

Having said this, I will now give the floor to Mr. Maarten Botterman, chair of the ICANN Board.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thank you, Franco. Welcome, everyone. Good morning, good afternoon, good evening, and also good night for those on the East Coast of the U.S. Thank you for joining this virtual forum, the first virtual forum that we ever had on policy, and to this Board meeting with the GNSO.

The dialogue between the Board and the GNSO has always been very useful. The last one we had face-to-face was actually in January for a very short one. And what we miss is the opportunity to see each other in the corridors. Nevertheless, this doesn't mean we can't continue the dialogue. And this session will be proven of that.

Basically, the intent is to have interaction here that will be preceded by a couple of topics, and then we have an open

discussion fora about that really to better understand where we are in this together.

So hope your week was good and that you still feel fresh enough to continue crisply to this discussion. Full respect for the GNSO's intense agenda and a number of good sessions and the deep level of engagement that I've witnessed already this week.

So with that, Keith.

KEITH DRAZEK:

Thank you very much, Maarten. And on behalf of the GNSO Council and the GNSO community, I'd like to thank you and the Board of ICANN for this engagement and for regularly engaging with us as we discuss topics of mutual interest and certainly as the GNSO Council attempts to manage the processes under our remit to ensure that we're doing so in a way that is coordinated with the ICANN organization and the ICANN Board so we are all trying to move in the same direction. So we very much value these engagements.

This is obviously a unique scenario, but I'm confident that we will have good outcomes here and a better understanding of the various views.

So I know that we submitted three particular topics for discussion. If there's anything that you'd like to say to begin things, I'm happy to hand it back to you, Maarten. Or we can get right into the substance.

MAARTEN BOTTERMAN: I think it's good to get right into the substance and look at the subjects that you raised.

KEITH DRAZEK: Okay. Thank you very much, Maarten. So with that, let's please move to the next slide.

And the first topic that the GNSO Council submitted for discussion today with the ICANN Board really touches on an understanding that there are consensus policy recommendations that are under Board consideration. And this is not just specific to the topics that are sort of pending at this moment, but it's a discussion about trying to reach a common understanding of how we engage together and how we better understand the status and any dependencies for consideration of recommendations that we forward.

So one example of that would be on the broad range of topics related to IGO and INGO protections. We've got a couple of

examples here, and we can speak more specifically to that. But it's not only that topic that we'd like to speak to. It's really just the general and more broad, you know, sort of recognition that the GNSO Council, once we approve policy recommendations, consensus policy recommendations, and we forward them to the Board for consideration and eventual action, that it would be helpful for us, I think both groups, to have a better understanding of when and where there may be dependencies and, you know, when we might expect the recommendations that we have forwarded to be concluded.

I'll just note on this particular case, the topic of IGO protections and the IGO/INGO issues, you know, is obviously very complex and has many moving parts, right? There have been over the last many years a number of different work tracks and efforts.

And there's, yet, another one about to begin; and that is under the responsibility of the GNSO Council. We have approved an updated charter -- approved a charter for a dedicated work track within the RPM PDP working group on the topic of IGO protections.

This is something that came out of the IGO/INGO access to curative rights PDP and something that we're getting ready to initiate. I'll note that we reached out to the GAC and to the IGOs

to ensure that as we look forward to initiating this new process in the coming months that we -- that they are prepared to engage and that they have the bandwidth to engage. And I'm pleased to report that we received confirmation that when we initiate this work and call for a chair and call for members, that we fully expect the IGOs to be there participating, which we view as a very positive development.

So just in this context, we're curious if the Board has any feedback for us, any thoughts that it would like to share about how we move this topic broadly forward with all of these different moving parts and with recommendations that have been in place and pending with the Board now for quite some time. So let me stop there and I'll hand it back to you, Maarten. Thank you.

MAARTEN BOTTERMAN: Thank you, Keith. Thanks. I mean, the general context is, indeed, important. And what we've seen over time is that we make sure it's very transparent where we are and how we proceed. And, yes, we need to facilitate the full multistakeholder discussion on that, which sometimes leads to delays and other discussions that are necessary to come together.

Specifically on the subject of IGO, Becky's been our caucus lead for that for quite some time.

Becky, can you go into the IGO issue.

BECKY BURR:

Yes. And good evening, everybody. Becky Burr speaking.

As you know, there are quite a lot of -- and as Keith mentioned, there are many moving parts here. And it has been really a long time since we got the 2013 recommendations from the GNSO Council on this. And we recognize that those are outstanding. We had hoped to have a holistic resolution on all of the issues once they were resolved, once we had recommendations on all of the issues out there.

We are -- the caucus group is looking at ways that we can begin to move forward with resolving the GAC advice that we have, which is intentioned with the GNSO recommendations out there.

We have asked staff to prepare an options paper on that, and we are -- we've received that and will be looking at it over the summer with the expectation of bringing it to the full Board and to the community for additional discussion on it.

I think that there are some options. We have received a request, for example, from the Registry Stakeholder Group to permit registration of those acronyms by relevant organizations or approved users. And we're reluctant to adopt that proposal because, in effect, it is the creation of policy that is not within the Board's authority and because it creates the presumption of rights which we don't think have been resolved by the full policy development process.

So we have -- we are working in parallel and obviously will be coordinating closely with the council on its work that it has been chartered to this -- to make sure that we are -- to make sure that we're all aligned.

And that's the status. So we're following your work. We're looking at various options. All options are on the table. But we will move forward in coordination with the council and the community.

MAARTEN BOTTERMAN: Hope that helps, Keith.

KEITH DRAZEK: Yes, thank you very much, Maarten. Thanks very much, Becky, for the update and overview.

I did see a note from Brian Beckham asking if that IGO options paper would be shared with the GAC and the council. So if -- I'm not sure if that's something you can respond to or not.

But we certainly look forward to further engagement with the Board on this topic because as I noted, there are a lot of moving parts. And we are, as I noted, about to undertake some additional work in this area. And it would be just very helpful, I think, for us to keep in contact so we understand if there are time frames or dependencies that we should be aware of or vice versa, that we're having that conversation, as we as the GNSO Council try to manage that policy development work.

BECKY BURR:

Yes. And just on -- in response to Brian, we are still in the very early stages of consideration. But as we proceed, as I indicated, we will be transparent and we will work in close coordination with the council and the community.

KEITH DRAZEK:

Thanks very much, Becky.

And I'll just note that while we wanted to mention the topic of IGO protections as an example, this is a broader, I think, longer-term question or concern for, I think, both of us, both of our

groups, in that, you know, as we have things move forward from policy recommendation to Board consideration, to the extent that there are going to be delays, perhaps in often cases necessary that we have open lines of communication to understand what those are and what the dynamics are. And I'm confident that we'll do that.

So thanks so much. That was all I think I had on this particular topic.

Maybe I could call -- ask if anybody else would like to speak to this particular topic from a council perspective. And if not, we can move on.

MAARTEN BOTTERMAN: We're waiting for that for sure. Also, good to recognize that in our discussion about some of the work, we also see policy -- consensus policy recommendations, current consensus policy that they should not be implicitly overtaken by nonpolicy processes. That recognition, I think, was a valuable one and something to keep clear on as well.

KEITH DRAZEK: Thank you, Maarten.

I don't see any hands or hear anybody speaking up, so I think we can move on to our second topic, which was a discussion on the continued evolution of the multistakeholder model.

I think we thought it would be helpful for the GNSO Council to hear the Board's current views and thinking about this process. As we all recall, it was initiated back in Kobe, I think, with the discussion around the need to look at the evolution of the multistakeholder model within ICANN, how we can improve things.

And, you know, I think the expectation now is that there are certain things that different parts of the community now have responsibility to engage with and to take on and to try to shepherd forward.

We've talked about this in the past. I know we talked about it during our face-to-face discussions in January in Los Angeles, that the GNSO through our PDP 3.0 work, I think, has I think moved the ball forward in terms of the GNSO's engagement on improvements to efficiency and effectiveness. And some of the areas that have been identified in the evolution of the multistakeholder model engagement, I think, are well under way in our community under the -- sort of the shepherding of the GNSO Council over the last several years.

And so I just thought it would be helpful for -- if the Board had thoughts that it would like to share with the council on this in terms of next steps and ongoing engagement and expected deliverables and time lines, that that would be helpful and an opportunity.

So back over to you, Maarten. Thanks.

MAARTEN BOTTERMAN: Thanks. Thanks for your continued interest in this important part of keeping the system to work over time.

So in that, I'd like to give the floor to our Board shepherds in that, which are Matthew and Mandla, to provide a short update.

MATTHEW SHEARS: Thanks, Maarten. And thanks, Keith. And hello, everybody.

I'm going to -- before I come back specifically to the question you asked, Keith, I'd like to perhaps step back a moment and just kind of walk through how we've been thinking about this and the steps we've gone through to the document now that has come out for public comment.

I have a couple of introductory comments and then delighted to have a discussion, and Mandla is going to jump in.

Let me just take it away and say from the very beginning of this process, which really was based upon the input that came out of the trends work that we did for the strategic plan, there's been this recognition that -- as you noted, that we need to look at and evolve the multistakeholder model at ICANN.

And this dialogue that we had that Brian Cute facilitated throughout 2019 gave us some excellent basis for thinking about what some of those priority areas and issues were.

And what became clear from that process was this desire to see and enhanced and greater effectiveness around the model and that the community very much shared those concerns and wanted to see that we make some progress in that respect.

When Brian wrapped up his work at the end of the year, he presented a draft work plan which was put out to public comments along with the operating plan. And a number of very useful comments came back from the community.

What we took away from that, as we looked at that public comment and discussed this in the Board, were a couple of key

ideas. First one was that there was a lot of work under way and you mentioned PDP 3.0. There was a lot of work under way that addresses a number of challenges related to the evolution of the multistakeholder model. And this ranges across everything from prioritization, streamlining those reviews, the ATRT3, whole range of work.

And so when we got back the public comments and we saw this obvious concern that came through that was pretty clear that we don't want to be duplicating anything, we don't want to be adding unnecessary work to the community to try and evolve multistakeholder model because that would be fundamentally counterproductive.

So we took on board the public comment and we said so how we can facilitate this and how can we find ways of adding to the work and building the effectiveness rather than overburdening or duplicating.

And we went through a process of looking at all the reviews and all the work that was under way and trying to determine effectively -- from our perspective was what can we concretely and constructively bring to this evolution process that would be helpful.

And that led us to looking at what is some of the, what we call, gaps more than anything else.

And that's really where the focus of the Board and working with MSSI was, which was identifying what's not being addressed and what might be some options for addressing it.

And as we went through that process we took into account, as I said, all the various activities that were under way. We took into account the public comment.

We wondered whether or not, you know, what -- what the responses were in terms of -- we looked at what the responses were in terms of the six areas that had been identified, because that was very much the thrust of the work that Brian brought to the community in his draft report. And even in that -- even in those six areas, there was a substantial amount of work that could have been undertaken. And part of that process was figuring out whether or not there were overlaps in where these issues were already being addressed.

So we looked at those, and part of the process that we asked the community to go through was how do you -- can you prioritize these six areas so we know where we should focus. And we resulted with that prioritization, and I think as you have seen from the paper, the prioritized area were, one, prioritization of

the work and efficient use of resources, scoping the work was the second one, and the third one was consensus representation and inclusivity.

And so the paper that's out for public comment very much focuses on those three areas, and it focuses on those three areas in terms of figuring out what is not being addressed and how can we address them.

And that's really what the paper focuses on.

The -- So in our minds, and very much in the minds of the Board, it's more about where can we help identify things that still need to be done that can contribute to the evolution of the multistakeholder model.

Now, the issue that you've raised is a very real one. It's how do we -- We don't want to be creating a burden through some set of new tools or new processes or new mechanism. So we tried to be public -- In the paper we tried to be very much focused in on what specific issues could we be looking at. And it's on those specific issues that we're asking for comment, and also for any other particular gaps that the community believes need to be filled.

The other part of this, of the public comment is also that from the beginning, we've kind of looked at this evolution of the multistakeholder model not as a standalone piece of work but, rather, as part of the broader tapestry of initiatives, reviews and work that's ongoing. So that was another reason why we thought that we need to be very targeted and tailored in the types of proposals that we're putting forward. That's, I think, in a nutshell what's been captured there.

Now, specifically to the question around PDP 3.0, one of the things that we propose, it's the third area of consensus representation and inclusivity is exactly that. The learnings and the proposals that have come out of the work on PDP 3.0 be looked at more broadly across the community and to understand where those learnings can also be leveraged and what can be drawn from them to also improve other parts of the community's work.

And the other thing that we highlighted there, which was also a product of -- it was the consensus play book, which is an excellent piece of work. And what we did is we said if you look at PDP 3.0, if you look at the consensus play book, if you look at some of the training, for example, that's on ICANN Learn, these for us kind of formed the package of ICANN that addressed the consensus, representation and inclusivity that could be

leveraged by the community to hopefully facilitate consensus happening and things like that. So we're not trying to replace and we're not trying to substitute or do anything but, rather, look at things as to how we can leverage them and how we can build on them.

So maybe I should stop there and open it up for questions. Or, Mandla, if you want to jump in, please do.

MAARTEN BOTTERMAN: Mandla?

MANDLA MSIMANG: No, I think Matthew has covered everything, so if there's any questions, I'll jump?

MAARTEN BOTTERMAN: Okay. Good.

KEITH DRAZEK: Thank you very much, Matthew. I think that was actually a very interesting and in-depth summary of sort of how we got to where we are. And I think that that's really helpful.

I see I've got a couple of hands from GNSO Council members, so I'll go to them here next. But I do want to say that it's clear that the Board has put quite a bit of thought and taken quite a bit of time to, you know, to find the right path forward on this evolution process or this evolution effort, and we all need to be looking at continual improvement. But I am pleased to note that the Board has clearly identified, you know, where the gaps may be in some of the other work that's going on and all of the other work that's going on in the community so very much appreciate that.

I will also note that going into ICANN67, we had intended, actually, to have some additional community engagement around PDP 3.0 and providing some -- you know, some updates, perhaps a webinar or something like that to help inform the community about our PDP 3.0 implementation and the experiences coming from that. And I think that's still something that we, as the GNSO and GNSO Council, would like to do in the future.

So perhaps that's something that can come out of this discussion. But I will have passed it over to Rafik, who is our GNSO Council shepherd for this effort.

Rafik, over to you.

RAFIK DAMMAK:

Okay. Thanks, Keith. And thanks to Matt for that detailed briefing. I think he give a lot of information about the Board thinking.

But just before making the comment about that, for the PDP 3.0, as we discussed, we are planning to have a webinar between ICANN68 and 69 so we can give more details about the implementation and to explain to the community how that will work.

So coming back to the evolution of the multistakeholder model, I heard Matt talking that the Board is not just focusing on that one but also there are other maybe moving components or parts that can be linked to different degrees. Maybe like ATRT3 or like the streamlining reviews, and so on, or even like about the face-to-face meetings.

So my question here is all this is important to (indiscernible), to have the dialogue, to get input, but I have a feeling -- for example, even if you check like the recommendation from ATRT3, the idea of continuous improvement is good, but maybe the question here, how much the community should allocate time in the future to focus on process for any improvement. Because even if we are trying now to fix issues of prioritization workload and so on, I think maybe we are spending a lot to

discuss about the process. And we are maybe missing the point, is we are here. It's about policy. And that, I think, what Matt said at the end in term of deliverable or outcome.

So the question here is, maybe it's not for the Board, really, but maybe for the communities, how much we should allocate in term of attention, resource or efforts to be just focused in term of process, procedure improvement, and so on. Because when I hear like, for example, continuous reviews, that's good, but if we do that, and it will be even at annual -- for example, annual level, that's much effort to be made. And, for example, by the leadership of the different SO and AC and so on.

So I'm just wondering if there is some general thinking how we should maybe do in future. And it's important to improve, but how do we keep that at a certain manageable and variable level.

MAARTEN BOTTERMAN: Yeah. Thanks for that. In general, of course, this hangs more together with the whole picture, also, of how we move forward. Now we can't move forward in the ways we did up to end of last year. And the discussion we'll have tomorrow on how we move back towards different parts of meeting is one element of it.

And for how -- I thank you very much, you're right on point when you said it's also for the community to determine how much they can handle. Very cognizant that things move differently in these times. And next to things that need to happen, also very much take that into account. So fully agree with the sentiment of the comment.

KEITH DRAZEK:

Okay. Thank you, Maarten, and thank you, Rafik. And I think the point is that we have to find the right balance, right? We have to find the right, you know, level of attention, right level of focus in the context of everything else that we, as a community, broadly have going on to include the actual, you know, policy work that is the -- at the core of our reason for being here in the GNSO.

So thank you for that.

James, over to you, and then to Pam.

JAMES GANNON:

Thanks, Keith. James Gannon, for the record.

So I just want to take a step back and kind of look at the big picture. So if we do a delta comparison between the initial issues list that was compiled in April last year of those initial 21

issues and then we come to the Board paper that just came out recently, I think that if we look at it in terms of the big picture, I think there's a clear direction in the difference between those two sets of issues and pieces of reporting, that I think there is a very clear statement from the community that the broader picture items are being dealt with by the community through community-driven processes already, and I think that's a great thing. I think that shows that the model is actually working in a lot of ways that we may not have initially thought it did.

And if you actually look at the actions that are currently ongoing in the current Board paper, 85% of them are actually recommendations and work in progress by ICANN Org. So I think that's important to kind of differentiate where we were versus where we are. And, really, now I think we're at a point where I don't want to discount in any way the amount of work that's gone into this, but if we look at where we stand now in terms of this work stream and this program, I think that we're almost at a stage where this becomes more of a Board-Org discussion for 85% of the deliverables that have been identified. And I wonder, you know, when we have these big overarching evolutions and revolutions within ICANN, it takes a lot of community time to follow and analyze and keep up-to-date and manage these things. And, really, I think between what we have in community-driven work in Work Stream 2 implementation and ATRT3 work

coming up, you know, I think maybe it's a time to really kind of maybe take a second look at does this need now still to be maintained as an independent work stream that requires community management and meetings and time and input and effort or are we at the stage where we have an implementation plan, essentially, in broad strokes. We have a set of action items, most of which are with ICANN Org which is under the control of the Board in a lot of ways to shepherd. And really is it time now to close this chapter, say that we have done a lot of work here, we've identified the issues; however, now it's time to really slow down on that and focus on the implementation of the items that we've already identified as in progress.

KEITH DRAZEK: Okay. Thanks, James.

Please.

MATTHEW SHEARS: James, that's a great point, and I think we've -- you know, the process that we've been through on the Board is really to look at the totality of the work that's been done to date; to look, as you say at the range of community initiatives and work that's being done to address a number of the issues that need addressing for the multistakeholder model to evolve.

Where we've landed on this, and it was really in terms of what else can be done. And what we're looking for in the public comment is really to get the sense from the community as to whether or not the gaps have been identified are the ones that the community agrees with, whether or not they are important enough, and whether or not they will actually go towards addressing some of the challenges that we still see that are sitting out there. And I think -- so getting the feedback from the community on that in particular will be very useful.

But we're also looking for other things out there that aren't being addressed. And, you know, if we find that, you know, we want to move this process forward to actually help improve the multistakeholder model. And one of the things, actually, I didn't mention it in my earlier comments was that one of the points in the paper is also how do we evaluate, how do we measure when the multistakeholder model is evolving, has evolved? What do we consider to be success?

When you look at the totality of work that's under way in all of the reviews, you have to look at it holistically. And in a way, we don't have a mechanism for actually doing that. So there's an element of evaluation and assessment in the paper as well that says how do we know we're making sufficient progress? So but

that -- I completely understand where you're coming from, and thanks.

KEITH DRAZEK: Thank you very much, Matthew. And thanks, James, for the comments. All very thought provoking.

Pam, I saw your hand up. Would you like to speak?

PAM LITTLE: Yes. Thank you, Keith.

Hi, Pam Little, for the record.

Hi, everybody. I hope you're well. And really, for those of you who are joining this meeting in very awkward hours, you have my condolences. Really, it is really -- I'm only in awe for those -- for your dedication and commitment.

So I just wanted to ask Matthew, if I may, about the work plan and the thinking at the moment. As I understand, the project that was led by Brian Cute, when that was done, issues were identified and the implementation plan was developed. Presumably no one really foresaw what we -- the situation we are in today.

So do we really -- Do you think or does the Board think that we really need to think about how the multistakeholder model looks like or should look like or work better in this virtual environment? No one really foresaw we would lose three face-to-face meetings or opportunities, right? So I think that changed the dynamic or maybe did some of the assumptions of the work plan or the issue identified.

So personally, I feel -- I want to share two observations, actually. One is in terms of the ongoing PDPs that GNSO is responsible for managing those processes, I can say that I am really delighted to see that there doesn't -- there isn't appear to be a drop-off in terms of participation. We heard this from various PDP leadership. In my own observation, for example, EPDP team had two hours meeting three days straight last week. So I'm really pleased to see that sort of commitment and participation level maintained in this very challenging environment.

But on the other hand, I can also see, from my part of the world, for example, in the Chinese registry/registrar market and community, people really are very concerned about their business and very much impacted. And without the face-to-face ICANN meeting opportunity, my concern is those ordinary usually less-engaged community members actually -- we might be not taking them along with us, right? They might be -- the --

the goal to be more inclusive, to be more representative might be adversely impacted by this virtual environment.

So I just want to share that with you and see whether you would probably have some thought about how we can actually continue our work and also achieve the goal of inclusivity and representativeness going forward.

Thank you.

MAARTEN BOTTERMAN: Yeah, thanks. A very true comment.

So just to -- I saw the comments in the chat as well. We're not trying to change the model. We're trying to see what works and what can work better and how these circumstances affect us is an extra factor that should make us even more determined to do so. It is part of the strategic plan for a reason. It also means we're not trying to get everything resolved in the next three or six months or even the next year. It's a longer term period in which we pick our priorities together.

And very much agree that the current developments have changed the way we can interact. Whereas being only able to

work virtually has definitely affected part of our effectiveness, because we were used to doing it in a different way.

I think over time, for instance, also learn how to better include people who participate in a virtual way. So there's things to both ends.

So very much appreciate your comments. And the Board sees this really as an extra reason to really continue to look at how we can help make this work together.

I hope that makes sense, Keith.

KEITH DRAZEK:

Thank you very much, Maarten. That's really helpful. And thank you, Pam, for the comments and question.

So I think in the interest of time, I think we've covered this topic. I think the discussion and conversation has been very helpful in terms of getting a little bit more insight into the Board's thinking and sort of the work ahead of us in this particular area, noting that it is just one part of a much bigger and more complex picture in terms of -- and also guided by the strategic plan for the next five years, or four and a half year. So thank you for that.

Let's -- In the interest of time, let's move on to our third topic which is a discussion around the I think very broad topic of DNS abuse, as it's being defined right now, you know, in the ICANN community, in the discussions over the last 18 months, and certainly this week during ICANN68. And I think from a GNSO Council perspective, we're interested in getting a better understanding of the Board's views in terms of, you know, trying to level set on what DNS abuse means. And, you know, we've heard the discussions about ICANN Compliance and ICANN Org needing better tools or enhanced tools to better combat DNS abuse; in other words, to sort of deal with the bad actors and try to understand what those tools might need to be. And how the community can come together and work on developing and/or enhancing these tools.

And finally, importantly for us as the GNSO Council, to understand what role we may play.

And I think just to key up this conversation, I think we have to figure out as a community what we mean by DNS abuse, to ensure that what we're talking about falls within ICANN's remit and bylaws, and then to understand what we're trying to achieve. You know, in other words, what is the goal that we're working towards? And once we understand what that goal is, as specific and concrete as possible, we'll have a better

understanding of the mechanisms and processes that we need to follow or we need to engage to be able to achieve those goals.

And just as an example, you know, there is the possibility of, you know, contracted parties working with ICANN Org in terms of looking at bilateral contract negotiations. There is the possibility, of course, of a GNSO PDP that would apply to gTLD registries and registrars, developing new policies in that regard. There's the possibility of developing broader community best practices through another mechanism. And there may be others. But I think the key here for us is as the GNSO Council is to better understand the Board's thinking in terms of this issue broadly, but more specifically, what really is it that we're trying to achieve?

And I think that will help us figure out how we move from talking about the issue, as we've been doing for the last year and a half, and to actually finding some action.

With that, Maarten, let me hand it back to you.

Thank you.

Maarten, I think you're muted.

MAARTEN BOTTERMAN: I found the button.

[Laughter]

So, sorry for that. Yeah. Thanks for that. Very much appreciate the work that has been going on, on this.

We are very encouraged to see also the discussions this week even on this important topic for the community. It's clear we need to address this, and it's clear that we need to right size it so what is ours if we talk about DNS abuse.

It has been an evolution, and it has a long history of community discussion. And the last year I think starting remarkably in Montreal, the dialogue really took off. Many voluntary efforts by the contracted parties have taken to combat DNS security threats, also in the light of COVID, as we discussed earlier this week and over the last period, which helps us also to better understand so what are the issues we do need to look at and talk about.

The registry/registrar framework we put out late in 2019 is a good example of voluntary work already before that by many of the largest contracted parties. And it was also great to see the contracted party house endorsement of the definition of

"abuse." This clarity will help to also further advance the dialogue.

So the Board is following this with interest and meanwhile also sees that the ICANN Org can help the community with the discussion by continuing to develop and refine tools that collect and publish data for the community to use to decide what the problem is, to get more transparency on the real issues, the scope of the problem, and how to best address it. Systems like the data in DAAR and identifier technology health indicators are some of the tools that can be used to inform policy decisions in this as well.

And, of course, our existing obligations in the contracts both with the registries and the registrars. And ICANN will continue to enforce these obligations, such as following up on complaints from community members' audits.

In addition, Org team provides support to the community via training, capacity-building, consultation, reports that can help the contracted parties to understand to mitigate security threats.

And additional contractual obligations beyond what we have today very clearly need to either stem from bilateral

negotiations with the registries and registrars or alternatively to consensus policy.

But before we jump to that step, I think it's important we have community alignment on the problem. At the moment, the Board doesn't have a particular position about whether PDP or different contractual obligation are required. I think this is something to get clarity on in the time to come.

KEITH DRAZEK:

Thank you very much, Maarten.

That's very helpful. And I think I particularly take your point that we need community -- a common understanding on what exactly it is we're talking about and I think where we're trying to go. And I think the conversations taking place this week at ICANN68 will help that.

So I've got a few hands up.

If you or any other Board members would like to add anything, feel free to call on them.

Michele, I will go to you first and then Tatiana.

MICHELE NEYLON: Thanks, Keith. Michele for the record. Good morning, everybody.

So I think this conversation is helpful. I mean, just a couple of comments. First off -- and I've said this elsewhere, and I'll keep saying it until I'm blue in the face. When we're talking about policy making, we need to do that based on facts, not on rumors or hyperbole. When it comes to abuse in particular, there is an awful tendency for the media, be that mainstream, social media, bloggers or whatever, to come up with wonderfully hyperbolic and hysterical in many respects titles for blog posts and articles without actually having any real data or having maybe one source of data which hasn't been fully validated. So we have to be very, very careful when we're talking about abuse, that we are actually dealing with facts and not rumors.

The other thing which I think is more problematic -- and it's not something that any of us are going to be able to fix easily -- is that in many cases the sources and problems with abuse within the general Internet ecosystem falls outside the remit of ICANN. The issues lie with content that lives on hosting networks, that lives on ISP networks.

I understand and appreciate why a lot of this stuff is brought to ICANN because of the contracts which are lacking elsewhere.

And there is no real stick to beat a hosting provider with nor does such a stick exist to beat an ISP.

But in many cases, registries and registrars are not the best-placed actors to take action because we have very, very blunt tools. We can pull a domain, but we can't actually pull a specific piece of content, and that will always cause headaches. I'm not suggesting right now I have any particular solutions for that, but it is just to make a note of caution and also just to remind people that as operators of registries, of registrar providers, and companies, we don't have the technical ability to take the kind of action that in some cases would make more sense to take. Thank you.

KEITH DRAZEK:

Okay. Thanks, Michele. And we don't have a lot of time left, and I've got a couple of additional folks in queue.

Maarten, if anybody would like to respond or to weigh in from the Board, please get my attention. Otherwise, I'll run through the queue here.

MAARTEN BOTTERMAN:

Yeah, no. Just it's a good remark. One thing also very much agree on the data. And this is where -- one of the things where

Org can help us, is to make sure -- that we together make sure we have got the right set of data.

But please continue with the list.

KEITH DRAZEK: Thank you, Maarten. And thanks, Michele.

Okay. I have Tatiana and then John McElwaine. Tatiana.

TATIANA TROPINA: Hi, all. Hi, everyone. Nice to see you all. Tatiana Tropina for the record.

Basically, my intervention is in line with what Michele said. But I also want to say that in addition to facts versus rumors, we have to think about definitions versus facts and rumors because I saw quite a few presentations over the last few months or talks with the ICANN community on the DNS abuse, starting with a presentation. For example, cybercrime is on the rise. I'm sorry, not every cybercrime would be DNS abuse. And not all the facts and figures relate in these discussions would actually relate to DNS abuse.

And I believe that in this regard, we do have to get definitions straight and not to mix them because it's clearly fear mongering. I'm saying as someone who is working in the field of cybercrime.

I totally agree with Michele that in a lot of discussions, I actually tend to go to the direction of content regulation. And that's such a slippery slope for us here.

And, Maarten, you used the words "community alignment." And I think Keith said something about common understanding. But to me it is not about community alignment. Some of the definitions and interest in tackling DNS abuse will never be aligned in this community. Let's just live with this.

And I think instead of talking about community alignment here, we have to talk about something the community can agree upon which would be within ICANN's mission. I would be totally against -- you know, agree as a community, if it's not within ICANN's mission and bylaws.

To me this is one of the most important factors, not community alignment but those perhaps matched interests, where would they overlap with the ICANN bylaws and mission and not going outside of this mission.

And it's not only about content regulation, it's about how far ICANN actually goes to tackle DNS abuse within its mission. Thank you very much.

MAARTEN BOTTERMAN: Just to acknowledge that community alignment cannot take us beyond the bylaws unless the community agrees to change the bylaws. So very much noted and I hear your call for that.

KEITH DRAZEK: Thank you very much, Maarten. And thank you, Tatiana.

John McElwaine, over to you.

JOHN McELWAINE: Hi. John McElwaine for the record. I'll be brief here. It's getting late for me -- or early.

One of the things I think we all would agree we've seen is an uptick in abuse. Granted that has been primarily seeing things related to COVID, Black Lives Matter. So there's been without question some scams, et cetera, that have been running. I'm a panelist for WIPO

UDRP decisions. And I can just tell you that I have seen a number of additional cases where phishing abuse and things like that are occurring.

I also agree with Michele this needs to be a data-driven exercise. And I think we have the processes in place to be collecting that data.

I guess my specific question and getting to Keith's point in what are possible next steps is whether the Board is taking a look at the status of the progress of the Board actions from the March 2019 CCT recommendations that were approved. That might be a good starting point to reengage the community on these definitional issues. I know there's provisions there about data collection and then some of the tasks that were assigned out to the various GNSO groups.

So that's my question. Thanks.

MAARTEN BOTTERMAN: On CCT, we're on that.

Just checking who is the best to answer on that one. Becky, can you comment on CCT?

BECKY BURR:

Yes. I'm happy to. We have been working through those -- through the various recommendations, and we're working steadily on them and continue to work through them.

As you mentioned, there were quite a few recommendations that really didn't fall into the remit of the Board or some of them were recommendations for Org. Many of them were policy-related recommendations and we've asked the community through the GNSO to look at those, take those on. And, for example, we know that the subsequent procedures PDP has been quite diligent in looking at those. Some of them, as you know, they have felt that it is better for the GNSO as a whole to take them on rather than to address them in the subsequent procedures consensus policy. And then others are in sort of feasibility analysis.

So I believe that we have -- I would have to turn to someone in Org to tell us -- to tell me where the current status paper is. But the Board is quite cognizant of those recommendations.

Having said that, I think there is a conversation that needs to be had on those recommendations that we've been talking about here in the course of this hour about what's in ICANN's remit, what do we mean by the kind of DNS abuse that's within ICANN's remit, and how do we handle it.

MAARTEN BOTTERMAN: Keith?

KEITH DRAZEK: Thanks very much, Maarten. Thanks, Becky. And thanks John for the question.

I think on this particular point I do just want to flag for everybody and all who are listening is, yes, the GNSO Council is in receipt of the letter from the subsequent procedures PDP working group. The leaders basically referred those CCT RT recommendations related to DNS abuse back to the GNSO Council. So we are aware of that. It's something that the council has discussed briefly during our meeting earlier today as well as on our previous meeting. And the GNSO Council is aware that we -- the ball is now in our court to try to figure out what next to do with those particular CCT RT recommendations related to DNS abuse.

We are also fully aware that there is GAC advice to the ICANN Board on those topics that indicate THAT the next round of new gTLDs should not be launched until those recommendations are addressed. And so we understand that there's some potential time urgency around the issue.

I think as we look at it and, in my view, we know that the policy recommendations from sub pro are expected before the end of this year, sometime in the fall, and that we will be taking this on. With the expected timing for the finalization of the policy development, the potential implementation work, the development of a new applicant guidebook, and any buildout of the systems required by ICANN Org to launch a new round of new gTLDs, that we have, I believe, the time to conduct this policy work to the extent it needs to be done in a holistic way so it's not only applicable to any future TLDs.

So I just want to make sure everybody understands the GNSO Council is aware of this and we're going to take it under advisement and figure out what next to do. So thank you.

And, Maarten, I'll hand it back to you.

MAARTEN BOTTERMAN: Thank you for that additional clarity that you expressed earlier this week. Very useful.

With that, appreciated the interaction. Again, as always, we're in this together. And look forward to seeing the things coming up between now and the end of the year.

You mentioned sub pro as a very clear example, and we will stand ready to respond to that when it comes.

So with that, thank you all for your attention and your interest. And we look forward to continue to engage with you beyond this meeting.

KEITH DRAZEK: Thank you very much, Maarten. Thanks, all.

[END OF TRANSCRIPT]