
ICANN76 | CF – Joint Session: GNSO CPH and CSG Membership
Wednesday, March 15, 2023 – 16:30 to 17:30 CUN

BETH BACON:

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I was going to say, where's Lori?

LORI SCHULMAN: I'm here.

BETH BACON: I can't find her.

LORI SCHULMAN: Sorry, I'm a little height challenged but you should see me now. So welcome. We hadn't talked beforehand about how to moderate but I'm happy to flip back and forth and defer to the CPH in terms of you had offered topics. Did we have an agenda? I know there were three topics.

BETH BACON: Yeah, we just threw them on the slide just to keep us going. And if you guys have anything you wanted to add, we had offered a few and you said, okay. So if you had anything you wanted to add, just let us know. We have an AOB session.

LORI SCHULMAN: Okay. No, we were very happy with the topics. I think the topics are relevant to both of it. So I can start with a welcome. Welcome, my name is Lori Schulman. I am in the rotation now as CSG Chair. I'll be in this position through ICANN77. We have a rotating chair. We're very pleased to be here to talk with the CPH as we have a lot of common interests if not always aligned interest, certainly common in terms of finding good

solutions for sticky problems I guess is the way I word it. So we always welcome the opportunity for open discussion.

And I do want to recognize the CPs, the efforts that have been made. Your community outreach has been very appreciated. The developments with NetBeacon, which we understand is not part of the constituency but certainly intertwined with constituency policy has been very well thought and we appreciate that. We certainly are appreciative of the fact that the CSG has come to the table on an amendment to target malicious domains. And we see that as excellent progress in terms of understanding that the contract does need to be fixed and this is a window to fix something that has been vexatious on both sides I would say.

So we're happy just to go back and forth and talk a little bit about all these issues and see where we can find hopefully alignment. I think the theme this week has been about turning a page, moving forward, and where we find more common alignment than we do what I'll call misalignment or out of alignment. Let's keep up the good work in trying to find common solutions. I'm going to throw it back to you, Beth.

BETH BACON:

Thank, Lori. This is Beth Bacon with the Registry Stakeholder Group. I'm the Vice-Chair for Policy. We have Ashley Heineman here, Registrar Chair. But I think I'm going to drive the slides just to reduce the number of humans on the microphone so we can maximize our time to chat. Echoing Lori's comments, really appreciate the time. I'm so glad that we are doing this on a more regular cadence now. We were able to get together in Kuala Lumpur and I think it was prior to the launch of the

negotiations. And I thought that was an extremely helpful conversation to get everybody on the same page and in a similar mindset. So I'm really happy that we're doing this again and I hope that we continue to keep this on the calendar.

So I think let's not waste any time, I suppose, and we'll jump right in to the update on the amendment process. I'm going to toss it to Owen and Alan. They'll give an update and then we'll open to questions I suppose. Thanks.

OWEN SMIGELSKI:

Thank you, Beth. This is Owen Smigelski. I'm Vice-Chair for Policy of the Registrar Stakeholder Group. Next slide. So right now, what we have going on is this whole bunch of abuse efforts ongoing in the ICANN community and we had the GNSO Council Small Team with their recommendations and review. And we have one of the things that the Contracted Parties have been thinking is, how can we do something that's faster than the ICANN process? Yes, it's good to go through the multistakeholder model. We're very supportive of that. We participate but it's not the ideal scenario for all situations.

So noticing as I said by ICANN Contractual Compliance, there are some gaps in the current contracts. The Contracted Parties, the registrars and the registries triggered an amendment process of ICANN. This is the first time that's happened and our goal is to get a meaningful baseline obligation in each agreement for every contracted party to ensure they'll take reasonable and appropriate steps to disrupt or mitigate DNS abuse. And importantly, to allow ICANN compliance to enforce accordingly.

Right now, the language in there is, or at least for the registrar side is they must respond to an abuse complaint. And under the legal review of that, respond means is just send a reply email. Yes, we have your report and that would satisfy it. So we're going to make sure that registrars and registries are doing what they should be doing. A number of the registrars and registries here already are doing these actions. We're involved in various DNS abuse initiatives within ICANN. But we want to make sure that others are held to a similar standard as well too.

So the goal is for us, we want to create clear requirements for a safer DNS. So that means in-scope is DNS abuse, phishing, farming, malware, botnets and spam when you deliver those other four. We're not considering website content. Spam that's not related to DNS abuse. Registration data accuracy. We're very narrowly tailoring this. Something that we can get done quickly and efficiently and we hope will actually move the needle and get results.

And so, this would also have an obligation to take action when an issue is reported within the scope. We hope that it's going to be—I'm going to specify reasonable, achievable, and enforceable obligations so that there's an ability to do what is asked of Contracted Parties so we know what we have to do. There should be some flexibility though in that. Not every abuse complaint is the same as every other one. There's a lot of complex scenarios that can go in there. So we want to make sure that there's a flexibility for registrars and registries to respond based upon their experience or their business model or their relationship with the customer. And also, is it within something that that Contracted Party can deal with.

Let's hope that this will have ICANN Contractual Compliance hold all registrars and registries to the same standards. And so, it's not that we're creating a ceiling. We're creating a floor. Registrars and registries of course can go above and beyond and do more as they want. But we want the same floor for all Contracted Parties.

So we're still in the middle of the negotiations, so it's premature to share a red line. However, we do want to reassure everybody that as soon as there is a final red line draft that will be shared as well as there will be a public comment period. We're hoping that this is going to happen around or right before ICANN77. That's our target there. So we'll have that there and use our timeline there.

There's one thing that we want to ensure though is—it's a little contrary of the negotiation we're doing because we're putting more swords into the agreements for ICANN. More things that they could use against us. So we're being very cognizant of what we're putting in there. We're putting in things that the registrars and registries and the negotiation team and then the stakeholder's group, these are things that we're doing.

If you look in the DNS abuse framework, it's very similar stuff in there. It's talking about the things in SAC 115, I think. So we're not doing anything new. We're not creating anything. We're just taking what's already been out there and making sure we got a very narrow focus there. And so, we don't want to punish ourselves. So that's one of the complex things here. We want to make sure that this is something that compliance can use to enforce on those who are not doing those obligations now.

We're seeing from the current RDAP voting that it's been a lot more complicated to get over the finish line for the number of votes required. So that's also another one of the reasons why we want to keep this a very narrow targeted amendment so that it's not this massive thing that everybody piles on to that then suddenly becomes unpalatable for some of the parties whose votes we do need. Who are satisfied with what we're going now. But if it gets too overly complicated, the perfect could be the enemy of the good.

So here's the timeline there. We don't really have many more dates other than the ICANN77 but we're hoping to move along soon. So I think that's the last slide.

BETH BACON: So we have quite a queue going. Sorry, Lori.

LORI SCHULMAN: Yeah, I was going to thank Owen.

BETH BACON: Do you want to manage or you want me to manage?

LORI SCHULMAN: Yeah, I was going to ask which is easier. Why don't you manage and if you need help, I'll pitch in.

BETH BACON: Delightful. We've got Steve, Brian and then Mark.

STEVE DEL BIANCO:

Thanks, Beth. Steve Del Bianco, Vice-Chair for Policy and the Business Constituency, same role that Owen holds. And in yesterday's discussion between the board and CSG, there was a somewhat awkward exchange as Mason Cole talking about the letter that the BC, IPC, and the ALAC sent to board and org in late January. First of all, we've indicated in the letter we fully appreciate it, completely appreciated the way the Contracted Parties initiated this amendment process with full support of CSG of doing a very targeted and narrow set of amendments that would put some meat on the bones as we all talked about for obligations with respect to DNS abuse.

And also, the effort to not penalize the good actors that show up but isolate, penalize and maybe de-accredit bad actor registrars who don't take any action at all. I think to us this was a monstrously positive movement. And we're well aware that the amendment process you invoked is not a community process, it's something that's baked into the contracts.

So our letter basically said that we encouraged org and board to the extent that they represent the community when sitting down at the table to negotiate with you. We wanted them to know what we cared about most and it was in one paragraph. We care most about obligations to mitigate not just respond. And I think that the letter even revealed that we had full appreciation that I think the Contracted Parties agreed that mitigate was going to be the verb or the class.

Then we went on to say that we'd appreciate a great amount of transparency to whatever extent possible. So I realized there are many

in Contracted Parties who might scratch their heads at the idea that does org represent the community when it negotiates with you? And before you dismiss that out of hand, you have to ask yourself, if they don't represent the community, then who does when they're negotiating? And if they're only negotiating on behalf of org, that they ought to at least ask the community what our interests and priorities are.

So I think all that's going very well. And yet, I think that board member Becky Burr may have heard something different in the way it was raised by Mason because she said, "Well, if you want to blow up all the contracts, we can do that." That wasn't at all the intent of the letter nor was it the intent of Mason's comment, right? So we feel it's on the right track. We'd love to see it move faster.

And then I was talking to James Bladel just two days ago and James told me there's really only two dozen or so registrars who are really active in the registrar constituency members and there are a thousand or so who are not. And it's going to be so difficult to get them on board with the new obligations and whatever language and script they use. And it will be so important for us to all help isolate them and get compliance to pay attention. So I think we're on the right track. I wanted to correct the record in case anybody misinterpreted the way Becky reacted, and thank you.

OWEN SMIGELSKI:

Thanks, Steve. And then one thing we've realized, there's about 450 separate votes from the registrar side. That's counting families and individual registrars. So there's quite a bit that are outside. So as part of

the RDAP vote process, ICANN and the Contracted Parties we're learning what we need to do in order to coordinate, communicate, et cetera to make sure that we get that.

One thing I did want to bring out is—I missed my bullet points here as I was going through is that, this has actually been a very good process with ICANN for the negotiations. The RDAP ones took three years so we'll just let that sit there but we've been very collaborative. We're very [inaudible] in that. So I think it's working out very well. And I think we'll see hopefully good stuff soon. Thanks.

BETH BACON:

Next we have Brian in the queue.

BRIAN CIMBOLIC:

Thanks, Beth. Brian Cimboric, PIR. I just want to say—so great summary, Owen. One thing I just wanted to touch on too with the negotiations is, I see a number of GNSO councilors here. So much of what's going on in the amendments here are based on the groundwork of the GNSO Small Team on DNS abuse. So really just kudos to the work that you've done. I think the approach that you put out as far as targeted approach is very small and targeted specific changes.

When we focus on the clear problems ahead of us and trying to address on DNS abuse in a way that we all agreed, and to Steve's point, creating that mitigation, obligation is essential. So really just to say again kudos to the GNSO DNS abuse Small Team. I think the approach you guys took really helped us move faster in this process. So I just wanted to give the flowers there.

BETH BACON: Any response from CSG or we're going to move to Mark? Go ahead, Mark. All right. So we have Mark and Lori in the queue and then what were the other two hands—I can't see, other than that. Okay. Mark, go ahead.

MARK DATYSGELD: This is Mark Datysgeld, Co-Chair of the Small Team DNS abuse and thank you for the compliment. We tried very hard to do something that we thought was good for the entire community. We felt that it's about time that we start to think about the community as a whole and what can we objectively tackle to help people around the world be safer in spite of our differences. So that's excellent.

My comment is along the lines that I think that Owen put it very well in terms of what we are looking for really is we want a floor. We want something to start from and provide basic guarantees. And we have heard from more than one Contracted Party House member that there are expectations of future PDP work that may follow from this. And I would just like to incentivize whoever is approaching from that angle to reach back to us as soon as possible.

The small team is still in place and ready. It's dormant right now but ready to take in any recommendation. And we would be more than happy to work together with you on advancing and finding the right scope for that potential PDP work. So feel free to reach out to us. We are still very available. Thank you.

LORI SCHULMAN: Thank you.

ALAN WOODS: Oh, sorry.

LORI SCHULMAN: Oh, I'm sorry. I thought we called this in order or are you responding, Alan? I apologize.

ALAN WOODS: Respond.

LORI SCHULMAN: Yeah, thank you.

ALAN WOODS: I'm going to respond very quickly if that's okay. Sorry, Lori [inaudible]. So Alan Woods for the record. Again, obviously just echoing what Brian said, thank you very much on that one. And I think it's very important that we do see this as being that two-step process that we get the contract, make it tighter, put it in order and then obviously this is a multistakeholder model. We need to get the community input and again, the work of the GNSO Small Team in trying to focus that down and making sure that we have those bite-sized ways that we can step forward collaboratively is the way to go on this. So really much sold. I'm just echoing what Brian said but another opportunity is not missed.

LORI SCHULMAN:

Okay, thank you. Lori Schulman for the transcript. We're very excited with this progress and I see it's ambitious in terms of getting this done by June and we appreciate that because the sooner it's done, the more tools we have. In that respect, without seeing the actual text, I did see a new briefing slide that you talked about reasonable and appropriate mitigation. So from a reasonableness standpoint, there are legal definitions of what constitutes reasonableness in a business context.

However, I have questions about appropriate if that word is in fact in the text whether or not there'll be guidance as to what may or may not be appropriate as opposed to reasonable which we know we have some legal standards.

OWEN SMIGELSKI:

Thanks, Lori. This is Owen Smigelski. These are just kind of high-level bullet points. We don't have contract language in there. But I think that's the concern and ICANN Contractual Compliance is part of these negotiations and we're making sure that the words that we're putting in there we're comfortable with. Compliance is comfortable with it that those are something that's an enforceable obligation. We don't want those lawyerly words in there. I mean, stupid lawyers. Speaking as a lawyer. So yeah, we just want to make sure that it will be there. So I don't think that—that's not the wording.

BETH BACON:

Anybody else in the queue? Questions on this? Okay. Could we go to the next slide? We'll move on to the next discussion. Did we just have one slide for this? Okay, thanks. Just want to make sure. So we also had on

the agenda is the GNSO SOI discussions. I think we've all heard it come up quite a bit in conversations in various joint sessions as well as just individual updates. So we wanted to open up the floor. I'm going to turn to James Bladel to get us started and then open up for some discussion hopefully.

JAMES BLADEL:

Thanks, Beth. James speaking and also Karen is here as well. And I thought I saw Susan, a participant from the IPC. But there are a couple of other folks on this taskforce as well. This work project just as a recap, started early last year and went through until our initial report was released roughly in the fourth quarter. I believe it's part of an overall GNSO operations review and improvements effort. But the working group or the taskforce—excuse me, I should use my terminology correctly, was asked to review this statement of interest process which we all have a statement of interest on file. It's publicly available. You don't even have to log-in or have an ICANN account to see everyone's SOI on the ICANN page.

And the question put before us were, is the SOI still fit for purpose? Does it have value? And what sort of improvements or enhancements could be adopted, could we recommend for adoption that would make it more valuable? And for the most part, I think that the work has been sailing along fairly well. We have agreed I think without any concern that yes, the SOI is a valuable tool for declaring and possibly avoiding any conflicts of interest or perceived conflicts of interest. That the SOI is still a valuable tool.

We've also proposed a change that would—and the details still to be worked out, but a change where there would be a general-purpose SOI for each individual that kind of describes your background, your constituency and your interests there. But then each working group or policy topic or even possibly elected office that an individual might seek which would require them to update their SOI or submit their SOI could have a child SOI that was specific to that topic because those interests may be slightly different or maybe more given an opportunity to elaborate or target those interests a little bit better for that work.

So everything there is going fine. We have however in the last few months, discovered a bit of a rift between a couple of the different constituencies on a proposal that was really specific to individuals who are participating on behalf of other entities, organizations or individuals at ICANN and ICANN policy development. And the proposal was to require those individuals to declare on whose behalf are you participating as a representative of ICANN. And I apologize, I don't have the language right in front me.

The counter proposal was to include an exemption for certain professions or certain categories of participants for whom that might create a professional or ethical dilemma where they might have to break some confidentiality commitment that they might have to those clients. And that's where we're stuck. I probably could have framed that a little bit better but I think that the position of the Contracted Parties has been that there shouldn't be any exemptions. That transparency is baked into the mission and charter of ICANN. And that we should aspire for not only maximum transparency but equality of transparency across all types of participants.

And I don't want to mischaracterize the statements that were made by the CSG and the IPC, so maybe perhaps I can put Susan on the spot or someone else to explain their concerns with that but that's essentially where the CPH has landed and I think registries and registrars have been fairly aligned on that. Is Susan here? So I don't want to—

LORI SCHULMAN: James, [inaudible] intervene and speak on behalf of the IPC.

JAMES BLADEL: Yeah, go ahead.

LORI SCHULMAN: Yeah, if you don't mind. And other IPC-ers, after I speak, if you'd like to clarify, I'd be happy to do that. I mean, I would be happy for you to do that as there are many complex issues around this issue of disclosure. And just to put some context to this, this was important enough for the IPC that we devoted more than half of our open meeting time to discussing the SOI issues and the concerns that our membership has. I think the first thing I should say is the good news is, that there's particular words that if removed some of our members would feel was the right compromise and we could move on.

We have other members who feel very deeply and profoundly about their ethical obligation as well as fiduciary obligation to clients to not reveal their names in particular situations. Given as an example, that seems to hold resonance with rest of the community is the example of SubPro. People who are working on the SubPro teams, the different

teams, the different streams, they may be working on behalf of one client, five clients, no clients. But no matter what the case is, hypothetically, the one client could have an interest in this but if the client name is revealed then the business strategy is revealed, which is a definite problem.

And we've seen examples of this in terms of having the closed trademark clearing house. That in order to put registrations into the clearance house, there was a debate over transparency and the IPC prevailed in convincing the community that if we were to reveal the clearing house contents, it would reveal important business strategies and potentially trade secrets and open up opportunities for contention that shouldn't be there.

There's a same feeling here in that there's two interests involved. One is the attorney ethical obligation that is incontrovertible. The other though is a business consideration that not only affects the IPC but in fact could affect the CPs. If you have registries particularly that are thinking about bidding and thinking about bidding a particular term and you come to the table, you're not forced to reveal the terms but do you want to be forced to reveal that you're thinking of opening terms. I don't know, I mean, I'm trying—we are trying to forecast the situation.

We're on the business side too. That revealing a client on the Contracted Party side could potentially create a conflict with business considerations, trade secrets, their strategies among how we approach our work here. And we have to be honest about those strategies. Then getting to the legal ethics side, there are clear American standards, there's European standards, there's international standards. This is not

solely the American lawyer's concern because we've heard that chatter too.

The other concern that we have by refusing to have any kind of waiver that considers the attorney-client privilege, in a way, it discriminates against lawyers participating in the process. So there's a lot of layers here to this subject. So the issue of transparency is not as obvious or transparent as you think. And I certainly give the TMCH as one example where we've successfully agreed that revealing certain types of strategy, revealing what marks you're putting into the clearing house and who's done it, could cause damage. And we maintain that here as well. Oh, yeah. I see other hands. Yay, thank you.

JAMES BLADEL: Did we want to respond or...?

KAREN DAY: Just for clarification, I've put the text in the chat so if you want to see the exact text, it's in the chat.

JAMES BLADEL: Thanks, Karen and thanks, Lori for the feedback. And certainly, we have been listening. We have been engaging with folks this week here in Cancun and we have picked up a lot on what you're saying. I think to the point about the business strategy, I think that while correct, it does create an asymmetrical environment where actual contracted or incumbent Contracted Parties let's say like my employer because everyone knows who I work for would be a disadvantage if it were

known for example that I'm participating in a policy development on behalf of my company. Whereas there may be others who are participating anonymously. My business strategy is exposed as you described where theirs would not be. So I think that the incentive would be for me to just go on and send representatives to ICANN in those context.

As far as the ethical concerns, I want to state first of all, I'm not a lawyer. I think that the key that was posted in, I believe it was the GSNO Council list was that there was a concept of informed consent and that if the clients consent to be disclosed as part of a transparency obligation that that would not create the ethical or professional concern. And I think that our discussions had been that if approached and a client was asked to give their consent for disclosure and they declined, that that should be given careful consideration to individuals who are interested and wish to participate in policy development that could result in obligations for example in Contracted Party contracts that will only do so on the conditions of anonymity and I think that's concerning for us.

LORI SCHULMAN: I'm going to defer to others in the queue. Maybe we respond at the end.

BETH BACON: Yeah, sure. I think let's go into the queue. We have Steve and then Lori. Is that a new hand or an old hand, continuous hand? Okay, just checking.

LORI SCHULMAN: That was the hand for now. I'll take it down.

BETH BACON: Then we have Thomas and Brian. So we'll hear from Steve first.

STEVE DEL BIANCO: Thanks, Beth. Steve Del Bianco with the BC. Not a lawyer. And what I learned today in a discussion with Karen, James, Mason and staff is that we have to put this in the correct context. This discussion on these supplemental statements of interest are only relevant when one is participating in say a small team or a taskforce in your own capacity. If you're in a PDP working group, small team or a taskforce as the designated representative of your stakeholder group, your constituency, none of this applies. Because if the BC appoints me to represent on this small team for registration request service as they did, you can see that choice member is on my website but that's not who I'm there for. I'm there for the business constituency.

So an attorney designated by anyone to be on a taskforce, a small team or a PDP, doesn't have to deal with any of this because they're there representing the constituency and here isn't any. So it's rather narrow because it only shows up on these taskforces and small teams because all PDPs are represented only by the constituencies and stakeholder groups. So in the greater scheme of things, it shouldn't be that hard for us to come to some sort of consensus on the right way to handle the representation outside of the PDPs. If anything, I'm optimistic that we can get there since it's much more narrow than I initially thought it was going to be. Thank you.

JAMES BLADEL: Can I just make one point of clarification on that? I think that we had also envisioned that there would be situations for example where if someone was standing for a leadership position where this might come into play as well but that would be outside of the specific SD or C and be maybe for example community wide. That this might be more interesting at that point. But I think that's going to be situational but a possibility. But I think you're right, Steve, is that we assumed that if the BC is sent a representative to a PDP, that the BC had done the "vetting" of that person. And if they were comfortable that that individual was a BC rep then that should be sufficient for the rest of the community.

BETH BACON: Thanks, James. Thank you, Steve. Thomas?

THOMAS RICKERT: I fully understand the need for transparency in these processes. I'm just not sure whether the SOI is the right place to have that discussion. If somebody represents a client and that client refuses to give information to be disclosed, the lawyer can't proceed and publish the information. But the question from me is, what is the consequence of that? So if somebody is unwilling or unable to disclose, shouldn't we rather talk about the implications for the work? So shouldn't we be discussing whether such person can even participate in a working group.

So we could say, if you don't disclose, you can't be in period or should the consequence be, you can be in, but if it comes to consensus call,

your voice will not be relevant. So that we discard that person's objection or support for a given recommendation because as a working group chair, you need to do a consensus call knowing whether you get a fair representation of the relevant groups which you can't if you don't know whether five people in the room are not willing to disclose here for registries, registrars or folks from the Contracted Party sector.

So in a nutshell, I think that the issue is well understood but if we really want to draw the right consequences, maybe we need to take a look at the working procedures for the working groups and talk about eligibility requirements there.

BETH BACON:

Thanks, Thomas. Brian King, you're next in the queue.

BRIAN KING:

Thanks, Beth. It's Brian King for the transcript. I thought James was really helpful. Clarification that was really helpful for me anyway. I don't want to snatch defeat from the jaws of victory though. Could you elaborate James what you meant by the exception or you want to say something about leadership roles in different groups or something? Could you just help us unpack that? Thanks.

JAMES BLADEL:

So I think generally the SOI is used for GNSO participation in policy development groups, taskforces, small teams. Usually, it's required for example, when you join council or something like that. I think that there have been however other context where different groups or different

positions have referenced someone's ICANN SOI. For example, I believe that other SOs, outside of the GNSO have piggy-backed on the GNSO's SOI and adopted equivalent rules or equivalent procedures. So, I didn't want to be limiting by saying that it was only for the things that Steve mentioned although those probably cover 90% of the use cases. But there are other situations outside of those where this may come up.

But he is absolutely correct that as we move towards, and I think this is a consequence of the movement towards a representative model as participating in the PDP, that there needs to be some degree of confidence and transparency, which we keep saying. But confidence that the seats that are designated for the various SGs and Cs are occupied by those individuals who qualify for that. And then also confidence that the different SGs and Cs have their own procedures to confirm and verify that. But I guess we just didn't want to close the door for some of those other use cases.

BETH BACON:

Thanks, James and everyone who participated in that discussion. I don't see any other hands in the Zoom room. Anyone else? Closing thoughts? Okay. We can move on to our next agenda item then.

To close out, we just wanted to, as we said in the beginning [inaudible] that we really appreciated that this is our—we've got a little cadence going, a teeny tiny one with two meetings in a row. But I think it's been helpful. I think this exchange of views I think on SOIs in particular is good to hear from. The opportunity to hear clearly from each other where we stand as opposed to listening in on other conversations with the board or other things. So I think there is value and just wanted to

throw this to the CSG to see if we wanted to discuss how and when we engaged every meeting. We want to try every other one and I know that we are busy but really just trying to let you know that we are committed to this and we really appreciate the time.

LORI SCHULMAN:

Thank you, I'll start for the CSG. We welcome this engagement. We didn't talk about actual numbers but I do know that the exchange is critical and I don't think anybody in our group would object to having an [inaudible] every meeting because it's that important. We set the policy both sides of the house, right? This is what we're supposed to be doing. And I think if need any less or give short [inaudible] to these kinds of discussions, we're not doing the policy process, giving it the time and consideration it deserves as a whole in a holistic way. We're going to drill down in the working groups. We drill down in the GNSO certainly through our council's participation.

But I think this form is particularly helpful because of its open nature where we really can discuss anything about anything. And that makes it very valuable. And I'm going to even add—I think it will be even more evaluable in the coming 18 months as we look at the changes in the board leadership, the potential changes with CEO, whether Sally remains or whether there is in fact a new CEO and who the new CEO brings on and what their attitude may be. We've made a lot of progress this year and I think we should be all proud of ourselves. And as I said, we are very pleased to see that the Contracted Parties have been willing to open a door in terms of affirmative compliance measures to help ICANN wield the sword as Owen eloquently stated.

And I think both houses, both sides of this absolutely agree. Need for more swords. This idea of on our side going to—and I'll give a story about this. I had said it to Becky about 7, 8 years ago. When we were in Helsinki, the IPC had written an extremely detailed letter about the harms we were seeing with DNS abuse. We called out the specification language. We called out was it 3-18 or 13-8, whatever it is. The RAA provision on domain abuse and we thought we had great evidence and great arguments and Becky went through this. I went through this with Allen Grogan, who was still here. For those who weren't here, he's a former head of ICANN Compliance brought in by [inaudible].

And they all said the same thing. Yeah, you're right, you have great evidence but if you look at the contract, there's no teeth. So the fact that you're going and adding teeth maybe a tooth at a time rather than trying to open up the whole contract is fine and I think it's understandable not to want to open up the whole contract right now because we're looking down the road at subsequent procedures. We want to be able, to your point, be very specific with targeted behaviors that we all agree are bad behaviors. And so, I think there's a lot of progress here and how did that happen. Because we're talking to each other. So with that, if anybody else want to see SG, I see Brian King wants to weigh in. Brian, I'll defer my mike to you.

BRIAN KING:

Thanks, Lori. It's Brian King for the transcript. Yeah, I completely agree. This was one of the most productive and collaborative sessions that we had in the last ICANN meeting and I found this really helpful today to speak with each other directly and listen. So I would definitely be

supportive doing this at every single ICANN meeting. Preferably not at 4:30 in the afternoon toward the end of the session. Just feedback I gave last time too because we're all tired although maybe consensus by exhaustion is a strategy it sounds. Thanks.

BETH BACON: Sue?

SUE SCHULER: So can I ask a logistical question then from your secretariats. Do you prefer this to be at the end of the week where you can discuss things maybe that have happened through the week or would it be okay if we put this toward the beginning where it's much easier to schedule less likely to be conflicted and where you would end up getting maybe probably a larger crowd?

I mean, the last meeting where you did this on Thursday and it was a much smaller crowd, you can see here having it on the Wednesday we've got more people here to have this discussion. So if you could just kind of give us a clue where you would like this placed and we can make that happen for you. Thanks.

LORI SCHULMAN: Thanks, Sue.

BETH BACON: Yeah. So I think we can—maybe we can get together and chat about that offline and see what works best for the stakeholder groups to feed that

in but yes, I think that the last one was the last session of the last day of the last night. We're all just kind of drooping. But just to round that I suppose the conversation I think there seems to be lots of support for continuing this, the multistakeholder model works pretty well when the stakeholders talk to each other. So that's helpful. And we will just turn to Ashley if you have any closing remarks or if we just want to say thank you very much. Ashley?

ASHLEY HEINEMAN:

I guess the only other thing I would add is I think this is probably—well, I won't speak for the last meeting but it would be good to get some agenda items from you all as well for something that you could like to discuss with us. I think we pretty much populated this agenda. Perhaps we were just in such violent agreement over the topic but want to make sure that we're talking about issues that you want to discuss too. So just want to make sure that is an open invitation in case it wasn't clear but I see we've somehow gotten a queue. So James, please go ahead?

JAMES BLADEL:

Hi. Is this a good time for AOB? It feels like we're wrapping up. I just wanted to mention and ask, I've been sitting in on a lot of the different stakeholder groups and the different organizations meeting with the board and it feels like, and I don't want to pre-supposed but it feels like we are in agreement that there has been a culture shift a little bit with the new leadership towards with a bias towards action and movement as supposed to effort. I know it's early days and I don't want to jinx it but it feels like that is a welcome change. Not only with the Contracted Parties but I think I heard that in your meeting with the board. I think I

heard that with other groups meeting with the board as well. Am I seeing what I want to see or am I seeing something that's real and do you feel similarly about the change so far?

BETH BACON: I see Steve's hand is up so we'll turn to you and then maybe anyone else who wants to respond to James's vision of the future.

STEVE DEL BIANCO: James, were you in the CSG interaction with the board yesterday by any chance?

JAMES BLADEL: Yes

STEVE DEL BIANCO: Okay, because what I had raised my end to say was, I wanted the Contracted Parties to hear what we said to the board when they asked us, what do you think about more widespread application of the agile delivery through small teams for example. And our response was that with the great experience that we had with DNS abuse small team and the registrant request service is that it was key to have a narrow scope and secondly, that CSG members in these groups recognize no just step on the third rails.

There were two of them I cited yesterday. The first is since you have a contract amendment process. So when it came to DNS abuse, it was to recognize how that process would work as a bilateral negotiation. But

we did ask org to assess our priorities as they sat across the table with you. But we realized that's a process that's already baked in and we're not going to step on the process.

Second thing I said is, that we shouldn't knock over the picket fence when it comes to consensus policies. They only can be developed through a PDP. An agile small team might get the ball started but cannot replace the PDP process when it comes to imposing new rules on all of you through existing contacts. So not entirely positive. If that fell on deaf ears, but it should have been appreciated by the Contracted Parties as a recognition of where this agile small team has to be constrained in order to work within our process.

BETH BACON:

Thanks, Steve. I don't see any other hands in the queue. I don't see any other hands in the room. Ashley put her hand up in the room and then pointed vigorously towards our computer.

ASHLEY HEINEMAN:

Sorry, I did. It was weird, right? Sorry. Yes, Ashley, Chair of the Registrar Stakeholder Group. Just to build off a little bit more of what James was saying. I think taking bite sized—I don't know. When we're trying to enter into new efforts, I think it's going to be so much more effective if we do continue down this targeted path as well rather than taking one massive, massive issue that take 5 to 10 years to get sorted. So I think just something to think about like when we're getting down the path of whether it's a PDP or something else. Doesn't necessarily have to be a small group but making our deliberations focus on something that's

narrowly targetter in scope so our chances of success are much higher than if we're going after very, very complex issues that have been stewing and stewing for years. So just, I don't know, something maybe we can try moving forward. But again, this came up at one of our earlier meetings, I believe with the board and I thought was worthwhile mentioning here.

BETH BACON: Actually, I see Thomas.

THOMAS RICKERT: Yeah, just very briefly. I think that's very encouraging. You're seeing some change at ICANN and us also recognizing that things are obviously getting better. In the GNSO Council, we've discussed at the strategic planning session that we should take more opportunities to talk about positive things. So maybe if we all agree, this is something that we can take to council and say, maybe we should just let the org know that we sense something very positive and that we encourage them to plough forward in that same direction and maybe they would appreciate some words of encouragement as well. So if there's no objection in this room, then we can maybe take this to council and ask for having something written up to be shared with the org.

BETH BACON: Thanks, Thomas. With that, I really don't see any new hands anywhere this time. Okay. Perhaps we'll just close with appreciation and thanks and hope that everyone has a lovely day and half. How many days do we have left? We've been here forever. Two days left?

LORI SCHULMAN: Yeah, I'll say thank you. And if you didn't see it in the queue, I volunteered on behalf of CSG to submit the next [inaudible] of topics. Maybe we'll see some repeaters and I'll also volunteer to run the queues so we're shifting the burden back and forth and it's not a burden. It's a pleasure. But it's a greater pleasure to be here and it's also a greater pleasure to know tomorrow's Thursday. So one more day and of course we all welcome you to Washington DC in June. Many of us here are residents of the DC Metro area. Steve is, I am, Brian is. There's a bunch of folks here. Beth is, of course. So please use us as resources. We're really excited to see you in our hometown. And Ashley, how do I forget Ashley? Oh, my god.

BETH BACON: She's got ears like a little bat. Good to know.

LORI SCHULMAN: Sorry. There's bunches and bunches of DC-ers, folks.

[END OF TRANSCRIPTION]