
ICANN76 | CF – GNSO: CPH Membership Meeting
Monday, March 13, 2023 – 15:00 to 16:00 CUN

SUE SCHULER:

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ASHLEY HEINEMAN: One moment, please. Can you get the thing off? Oh, slides, there we go. Okay, next slide, please. We weren't sure if it was Zoe. Sorry. My apologies, everyone. Let me take it. Hello, everybody. Sorry. So Ashley Heineman here, chair of the Registrar Stakeholder Group. And with me at my side is?

BETH BACON: Beth Bacon, vice chair, Policy for the Registry Stakeholder Group.

ASHLEY HEINEMAN: Thank you so much for joining us today. As you know, this is a great opportunity for us to come together as a contracted party house and exchange ideas and views on a set of issues that we define in the agenda, which I'm guessing is the next slide, please. Thank you very much. Okay. So I am a ready in item number 1.

Yeah, we're going to go over these issues today. So please note, we have the RA/RAA amendments, talking about our RDAP vote, which we'll get into, very important, as well as the ongoing DNS abuse negotiations. Item 3, we have CPHN Board meeting preparation, which we need to do. Then we're going to talk about AGP limit. The proposal that we have. And then we have wrap up and AOB. So if there's anything here, rather not here, please feel free to raise it now or through the course of this meeting and will be happy to try and get to it dependent upon time available. So with that, unless I've missed anything, why don't we go ahead and start with a discussion about the RAA and RA amendments. So I will turn it over now to Catherine. Please go ahead.

CATHERINE MERDINGER: Thank you. Can we go to the next slide? Great. So we are currently, registrars, I should say, currently have two contract amendments open, I guess. The first one that we started or is on this process is the RDAP Amendment Vote. Not a whole lot to say here except to say vote, vote, vote. Technically, voting closes at 23:59 UTC on 20 March 2023, but I thought that was silly, so I put 21st at 00:00 UTC.

Anyway, that's one week. Please get your votes in. I'm going to drop in the chat a link to the page with updates from ICANN about how voting is going. I think on there you can see which registrars have voted and which have not. It does not tell you how they voted, of course. But please, please vote. We need your votes. If you have questions about the content of those amendments, reach out to Owen or myself. We will be happy to explain it to you.

The other negotiations that I'm sure everyone's familiar with are the abuse amendment negotiations. They're ongoing. It's going great. We're aiming to add reasonable obligations to both contracted parties to mitigate and or disrupt DNS abuse. So we will be meeting with ICANN as the negotiating team on Thursday, and it should go great. I think that's all I have.

ASHLEY HEINEMAN: Vote, please vote. If you can't hear me, vote. If it wasn't stressed enough, vote, please. And just to reiterate that not voting is counted as a no vote. So just sitting back thinking everything is fine and not voting doesn't mean that you're registered as affirmative. We need to have

affirmative votes. So please go in and vote. Okay. So next. Actually, I see somebody in the Zoom? Sorry. I'm sorry did you want to go fast? Okay, I'm going to let Beth go because I'm hogging the mic. So please, Beth, go ahead.

BETH BACON:

Rude. So I just wanted to quickly add a little bit of color to the voting thresholds there. The links there, all the information is there is there's a lot of charts. But for the registries, remember that there is a fee threshold and a majority threshold. The same thing is for our .brands. We have a registry operator for .brand, majority threshold, and then also a fee threshold. And then for the registrars, you have that sweet, sweet 90%. So good luck with that. But, yeah, just to back to echo Catherine and Ashley, please vote.

CATHERINE MERDINGER:

Currently, registrar is as of I think March 7th, we're at 75.6% of that 90%. Please vote.

ASHLEY HEINEMAN:

I see McCauley and the clue. The clue. The queue. Please, McCauley, go ahead.

DAVID MCAULEY:

I am the queue, uh-uh. Thanks. McCauley for the record. I suppose the question I had is, do we know if ICANN staff have done anything about doing any outreach to registrars around the vote. And by outreach, I do

not mean resending the same email that people ignored the first time rounds because they didn't know what the hell it was about. Thanks.

ASHLEY HEINEMAN: That is a good distinguishing question. Yes, I'm aware of them sending emails with increased frequency. Does anybody else have any info on other efforts they're doing?

BETH BACON: I think Carla is doing some somewhat we've characterized as gentle stalking this meeting of registrars, and they're doing other than just the- - What? Oh, it's Beth. Sorry. Other than just the resending of the emails they're having your reps reach out to registrar individually.

ASHLEY HEINEMAN: Thank you. And something that was just noted in the chat that's worth noting here. Sorry, this Ashley for the record? Is that this is a good test case as well for how the DNS abuse amendments are going to work. So when we get to a point, which we will get to that point, where we agree in our negotiations on text, we will have to go through another voting process. So for what it's worth, we will be looking at this process for RDAP voting very, very, very closely.

And learning from our experiences in this, including how we reach out to registrars and registries, and improving upon it where we can. But I think for this point in time, it's still really important that we get this RDAP vote done correctly. But we will be improving upon it as best we can. Okay, any other questions, comments? Can we go next slide? CPH

and Board meeting preparations. I'm going to turn it to Beth for this one.

BETH BACON:

You hate talking about this. This is Beth Bacon. So for the CPH, if we could go to the next so we can share the questions. Okay, so as per usual, the Board did send us our topic. Then the registries and registrars each discussed and formulated our own return questions. You'll see that there is one from the registries specifically on the update on the status of the IGO process. We asked about that in Kuala Lumpur and haven't gotten a whole lot of feedback. I do also understand that that's a GNSO Council question. So there's going to be a lot of inquiry there. I'm not sure. Is it easier if I read this out? I'm not sure if everyone can see it. If you're in the Zoom room, you're okay?

SUE SCHULER:

Beth, if you can get a little closer to the mic, people are having a hard time hearing you, sorry.

BETH BACON:

If I get any closer to this mic, it's going to be a permanent part of me.

DAVID MCAULEY:

It's 2023, Beth. You shouldn't embrace the machine.

BETH BACON:

So the Board topic that we received from the Board is the final SubPro report assigns resolution of many potentially complex issues to the Implementation Review Team. IRTs can - and sometimes have - become bottlenecks. For example, in connection with the efforts to relitigate policy outcomes or where there are gaps in the policy being implemented. What concrete steps can the Board, org, or community or all 3 collectively take to improve the IRT process. Please be as concrete as possible.

Now we've discussed this a little bit. I'm not sure of the registrar, if the registrars have discussed this internally. The registries have talked about this a little bit, and we've identified a few concrete suggestions. We also tried to tie this into return question, establishing a theme of transparency and efficiency and working towards those goals. So I can just quickly share the registry talking points, what we started, and then we can open this for discussion. And if Ashley wants to share what the registrars have come up. And then we can add to and tweak and identify some folks who are interested in speaking to this.

The registries began with a well scoped PDP as a baseline. That discipline and scoping will go through the entire lifecycle of the PDP from discussion, making it a lot shorter, less than 5 years, one hopes, through to very concrete recommendations, which are then easy for the ICANN Board to consider and approve, hopefully. And then into that IRT where if we have crisp recommendations that can go into a policy and become a consensus policy without a lot of back and forth because there's ambiguity in the recommendations. We can avoid some of that re litigations. So that is the basis of the registries comments.

We also embrace the fact that it very much is a topic where all parts of the community and the Board have parts to play in reviewing our approach. We noted again that the complexity recommendations is a challenge for us, especially when the scope of the PDP is complicated. And then specifically while the ODA seems to have been an important step. Having it start only after the close of the PDP has clearly had a lot of time, while we know that the ODA is something they do in general, putting that formality around it, while it has added to some transparency for the community and that the review is public and there's a document available. It also adds a lot of time to the review process.

So there was a suggestion that parts of the ODA could start while the PDP is formulating or getting close to their recommendations. And in general focus on a more coordinated approach, there was also some support for those small teams that the GNSO has been doing. But, again, the main focus is ensuring that those small teams are operationalizing the recommendations and not creating policy outside of a PDP process, which I think they've been very diligent about, but it is something that the registries have been also diligent about making sure those guardrails are there. So that's it, the flavor of the registries.

ASHLEY HEINEMAN:

That's it. Oh gosh. We have a lot of flavor too. So I'm wondering if we should even recommend that we put some of our ideas in writing because there's a lot, and I would hate to have any of the detail lost. But just to reiterate some of what came out of your conversations, again agreeing wholeheartedly that these should not be opportunities to

relitigate. It is not appropriate. The working group itself needs to be practical and consider how their recommendations will be implemented before they draft the recommendations. We need to have reasonable expectations ourselves. These do take time to implement, but we need to look at where we can cut back one time, just beat these things up.

Also, we've had some real concrete nitty-gritty requirements. And I'm reading directly from folks like Sarah and Eric who have provided some input. But having these IRT groups meet weekly, and work towards having a narrow meeting agendas five to seven days before the meet time. So basically just improving how these groups meet and work to be more efficient. Having establishing as part of an IRT's process that has an identified cross examination section. So again, I have lots of bits of detail here. So perhaps we can go in with a recommendation that we can provide them with written input.

So I'll stop there. I think what would be helpful is if we can point to members during this conversation who have intimate relationships, if I might say, with IRTs, to come forward with some of their recommendations. Whether it's Roger or Sarah or Eric or Jothan or others from the registrar side. I don't know if you agree with that or not Beth, but that might be helpful.

BETH BACON:

This is Beth. Certainly, I think that the more folks from the membership that we can have off of their perspective is always better. And I know that Sarah is remote, so I think that'll be fantastic to have her remote in if she is able, but if not, then no pressure. So we've had some folks

contribute to the discussion here, but why don't we may be open the floor for a little more discussion and see if there are folks from the registries and registrar side that have a burning desire to yell at the Board a little, but gently. McCauley.

DAVID MCAULEY:

I'm McCauley for the record. I suppose one thing somebody might want to point out whether diplomatically, bluntly, or otherwise, is that if ICANN doesn't start executing on something, it's going to lose all its legitimacy. Because if you look at the track record of the organization over the last three years or so, it has failed to complete pretty much anything.

BETH BACON:

Thanks. You're still lit up. Do you have more comments? In the queue, Marc.

MARC ANDERSON:

Thanks, Beth. Marc Anderson. And thank you Ashley and Beth for the overview. I think you got a really good flavor for it. One of the things I wanted to point out, during the registry discussion, we talked about the fact that even though this led with SubPro, we sort of assume that this was meant as a general, and ask for general feedback and not anything specific for SubPro. So none of our discussions were specific to SubPro. And also we talked a little bit about how there's a little bit of a wall. You have an ICANN policy team that helps the working group and

developing the policy recommendations. And then there's a completely separate team that does the implementation.

And so one of our ideas was to have more involvement between the two groups, have somebody from the implementation side involved in the development of the policy and have somebody from the development side helping provide context and feedback during the implementation of the policy. I think staff has gotten better about that, but I think that's one area that there could be some improvement. I guess before I stop, I'll just say, I'm happy to speak to this in front of the Board. I've been involved in more than a couple working groups in IRTs and I'm comfortable speaking to this topic.

BETH BACON:

Awesome. Thanks, Marc. I've lost my Zoom screen. I don't see anyone else in the queue. Looking around. Okay. So quickly just to move to the question that we have lobbed back to the Board. Again, I mean, it's not scintillating. However, it's given us a chance to lean into the theme of efficiency and reducing bottlenecks and just putting it back to the Board saying, this is where the challenge is, but it's good to know when we're talking about these things internally and how we can do better, we need to know what frustrations they have so that we can try and fix those on our end as well. Catherine, your hand.

CATHERINE MERDINGER:

Thanks. This is Catherine Merdinger. I'm going to say what might be a really dumb suggestion. But the Board seems to be saying here, wow, these PDPs are coming out, and they've got all these recommendations

that are shoving things to the IRT. What can we do? And my question is, why are they adopting approving those recommendations? If there are remaining open issues, say no, you can't have this, go back. Answer all the questions in a PDP and then bring it back to us, then we can adopt them. That to me seems like a really concrete thing that the Board could do about this. Is that a dumb suggestion? I don't know if that's not how it works.

BETH BACON:

I don't know that you've ever had a dumb suggestion. This is Beth. I think that we could definitely say, I think it falls out of or flows from the kind of well scoped PDPs then result in well scoped recommendations to the Board. And that they shouldn't be saying yes to things that they're confused by. I mean, understandably, there's a reticence on their part to reject things from the community. So I think that if we can incur instead of just saying reject it, if we can think of ways, and I think they have been trying to do this through small teams and some back and forth a little bit, having bored liaisons more actively on PDP's. So I think maybe we highlight those things and say we really think those are a solution for one week. Every now and then we're going to send you a really funky recommendation or a complicated one. So I think the flavor of that is a super recommendation. Keith first and then Greg.

KEITH DRAZEK:

Hi, everybody. Keith Drazek. That was pretty loud. Yeah, thanks for that. I think this gets to a bit of a philosophical question also about where do we want the work done? Do we want the work done? And to what level of detail do we want the work done in a PDP working group?

Or do we want to keep the policy recommendations at a fairly high level? And I think we need to think through the implications of one or the other. One of the reasons PDPs take so long is because they're not well chartered or because the level of detail that they get into is excessive. And the flipside is that if you have very high level policies that slept open to uncertain interpretation, either by the Board or by the community after the fact or by ICANN and the implementation team.

So I think, again, this gets back to the key of the importance of scoping and the importance of chartering. And being specific in what is expected under those particular circumstances or on that particular issue because it may be that you want some cases, a high level policy. In other cases, you may want policy recommendations that are quite specific, and I think that needs to be considered during the chartering process. Thanks.

BETH BACON:

Thanks, Keith. And I'm just going to take my privilege since I have the hot mic. I think that that goes along with where you want the policy made making sure the small teams and the GNSO as much as we let those things. And the letters of clarification from the Board when they're considering the recommendations, making sure that they don't do the work of the PDP post that. Because that is the challenge. You know, one of the suggestions from the registries is having that ODA or other things come in before the PDP sort of dissolves after it gives its report and recommendations and then dissolves into thin air. It's very hard to reconvene a PDP. It's even hard to reconvene an IRT. So I think

that's a great point. We had Greg, and then we had Alan in the queue as well.

GREG DIBIASE:

So, Catherine, I think that's a good question. Like, one of the things the Board has said to the Council recently is these recommendations should be "Board ready." Like, they don't have to come back and ask questions. And so I think Keith covered most of what I was going to say, but I think there's also an element of the Board shouldn't comment on whether they like things or dislike things, but if things are unclear. If they see something coming down the pipe and they don't understand it, they should push those concerns, raise those concerns earlier on the process.

And the same goes with ICANN and the type of, like, ODA work. If there's some type of implementation issue that they can foresee or they're confused about something. I don't think there's anything wrong with them providing feed, highlighting things that, hey, that would be helpful to have more clarity on this point before these go to us. Whether it's through the liaison or a public comment or something like that. But they shouldn't be shocked when the recommendations come in, like, well, what does this mean? Like, we'll have a little bit of foresight and let us know beforehand, like, yeah, we're not going to understand that right? Something along those lines.

BETH BACON:

Alan.

ALAN WOODS:

Thank you very much. Alan woods for the record. I think another thing that is distinct and important to add on to what Keith has said and as you've said Beth as well about the tightly scoped charter and the very plenty recommendations ensuring that we empower and certainly get our GNSO to police that charter to ensure that they are being strong and that the working groups are sticking to the charter away from the mission group. So I think us our stakeholder groups to be very close to your GNSO counselors and work with them. And we can suggest that the Board also seeks the GNSO Council to be strong in sticking to those pointed charters and issues.

BETH BACON:

Thanks, Alan. I don't see anyone else in the queue. I do want to, with regards to the CPH question back, I want to highlight that last little bit where we also note that in addition to efficiency the CPH wants to highlight the importance of transparency in all ICANN processes. For example, the ongoing SOI discussions within the GNSO. And we didn't specifically ask a question because it's an ongoing GNSO process, and we've been pretty vocal.

As you may have heard it in literally every session as we talk about it. Because we as a Registry Stakeholder Group at least, and I think the registrar at least presented to the GAC, the registrars are also aligned. We really support the increased transparency in the SOIs. But also as a community issue outside of the GNSO. So we're not trying to get out in front of that process. We just wanted to flag it, and it's along the lines

of efficiency and transparency. So I did want to let people know it's in there.

Any thoughts on feelings? Ashley, anything to add. So, I guess, we'll loop up with folks who have-- Oh, I did that one already. I did the beginning. Chris, you're doing that one. So now that we've discussed it, I think we will loop back specifically with folks and let you know that you're leading topics, but it feels like we had, let me look at my little chat that I'm having with Ashley in the background, guys. We have Marc. He's volunteered. And Sarah, she's remote. And then Chris for the IGOs. And who else did you want from the registrar? Okay, so that sounds good. If we've missed anyone, let us know. And you can always grab the mic and shout from the floor as well if you have a brain diamond and want to share it. All right, thanks. So can we do the next?

ASHLEY HEINEMAN:

Turning it to Owen.

OWEN SMIGELSKI:

Apologies on there. Hopefully, I am close enough to the mic here. Okay, good. Next slide, please. So this is something that the registrar DNS abuse sub team has been working on. I'll kind of skip over this. This was for a previous presentation, but I just didn't want to reduplicate.

I'm assuming most people are aware of the AGP or Add Grace Period Limits Policy that was created by ICANN in 2009 to get rid of domain tasting. That was when somebody would register domain name, see if it got a good amount traffic. If it did not, then the domain name would

be deleted within that within a period pretty close to the registration or creation date. The problem was at one point, almost 90% of domain names are going through this, which is causing a headache for registrars, registries, and ICANN.

So the AGP limit policy was created, which means that if a registrar deletes within the AGP, the 5 day period, more than 10% or 50, whichever is the larger of the domain names that are registered during that month, then a registry cannot give a refund to the registrar for those names that are deleted. ICANN also add their 18 cent fee per domain at the time, and that those two basically ended domain tasting.

A problem we've been seeing is as the Internet evolves over time, registrars now have a lot more sophisticated tools, primarily financial tools to determine when domain names are being registered that will be abusive or are registered fraud. And this is quite often noticed during the AGP period. For example, a stolen PayPal account could be used or stolen credit card or a generated credit card. And so registrars obviously have to return the money and want to delete the domain name. Whether it's one that's being used for an abuse campaign or whether it was via the fraudulent purchase activity. The problem is you can also run up against the AGP limits period and not be able to get a refund for that month. I know in some cases, this for registrar could be hundreds, if not thousands of domain names a month, which is a significant burden for registrars.

There can be an exemption per policy where there can be it for extraordinary circumstances, but by the way that it's defined in there is extraordinary is not something that's ongoing. So this can't be

something that's done every single month. So the registrars did, and it's my understanding that this proposal was shared recently with the registries.

The full Registry Stakeholder Group is the proposal to deal with the AGP limits policy and be able to incentivize registrars to take quick action against domain names that are registered for abuse of purposes and or with of fraudulent purposes, want to incentivize that. It has originally been thought of as kind of an idea just only to what's there now, maybe some type of ICANN agreements. But at the summit in November, when I presented this, there was a lot of feedback and discussion from the crowd from ICANN, etc. So it's expanded since you may have last heard this.

I don't want to go over in detail here because still a work in progress. But like I said, that's been with the registrars and registries. So you just do take a look and see feedback changes, anything like that. I take criticism, etc. So when we mix collaborative thing. So that's what we can do now, what we can do in the future moving forward as more of a long term kind of thing. So I'll pause now.

ASHLEY HEINEMAN:

Alan, please go ahead.

ALAN WOODS:

Thank you very much. Alan Woods for the record. So I feel like I just need to apologize to our registrar colleagues on this one. You did send that to us and just in the morass of the few weeks before ICANN, I did

not progress it with the small team properly. So apologies that there is a delay in that. We will put it on the list of priorities and get back to you as soon as possible on that. So my bad.

ASHLEY HEINEMAN: Rubens, please go ahead.

RUBENS KUHL: Rubens Kuhl .PR. In the document type, I didn't see any mention to extending AGP period from 5 days to 30 days, 60 days. Have that been considered and discarded already or would be an option?

OWEN SMIGELSKI: No. That's not something other than there. We're just kind of working within that. Speaking off the top of my head, I think that would probably involve more of a change to the AGP limits policy itself. That was one of the suggestions in there later on. We know how fast ICANN policy processes can work. So that would be more of a longer term solution. But we at least from some of the registrar's perspective, we'd like to get something done sooner as opposed to in 2027.

RUBENS KUHL: Okay. Thank you.

JOHN MCCABE: When you talk about changing the period, would that change it for all registrations? In other words, if we extended the AGP from 5 days to 10

days or a month, would any registrant be able to return, give their money back from the from a registrant during the AGP period? That's pretty much what you can do now, right?

OWEN SMIGELSKI:

I just literally heard the proposal from Rubens, so I hadn't considered it. I don't really have much an opinion on that. I think that would be for subsequent work. The proposal now is how can we fix this ongoing problem that is costing registrars thousands of dollars to do the right thing? How can we make it worthwhile for them to do that? As part of a longer proposal, certainly consider things how they're done. That wasn't really a scope or a decision of what to do later.

JOHN MCCABE:

Well, you maybe recall my mention of Pending Create in Los Angeles. And I don't know whether you thought about that as a way where when there's things that are uncertain, if they're put in Pending Create, the domain is not activated. AGP doesn't start. So you if you had them in and you create for a month, AGP wouldn't be running them. And if they came out, then you'd start your 5 days. So I'm wondering whether that's a way to resolve some of this from, and I know it's a complex equation, but it seems like the buck stops at the registrars. And they should be looking at their bottom line. I mean, if they take risks to get market share, then that comes at a cost, I think. And I think it's moral hazard for ICANN to be doing anything that is going to accentuate DNS abuse. Thank you.

OWEN SMIGELSKI: And I must confess, we're calling this now, during that session, I was also taking notes. And so my notes were a little bit incomplete. I just took that note now, and so I'll go back and take a look and see about where to put that in if there's a possibility. Thanks.

JOHN MCCABE: I know from painful personal experience that not all arrows have and you create built out. It's like a forgotten feature. Okay? So that may be a barrier, but they require a little bit of work. But it's standard stuff.

ASHLEY HEINEMAN: McCauley, please go ahead.

DAVID MCAULEY: Yeah, thanks. McCauley for the record. A couple of things. First off, on the HP limits, Rubens' suggestion to consider extending the period of the AGP, it might be something that's worth exploring. But the AGP is something that we as a registrar have access to. Registrants don't have access to it. Now if a registrar chooses through their policies, their business model to allow people to have access that, that's their problem. But I can assure you that my registrar doesn't. Because why the hell would I? Make no sense.

The issue we're trying to resolve here is if I've discover that a bunch of domain names have been registered fraudulently using stolen credit cards or something else or simply that a bunch of domains have been registered and are being used to spread malware across the Internet or whatever, and maybe the credit card details are all valid, and I want to

pull those domains as things stand right now, we are out of pocket. Because the AGP limit is so, so narrow, which was done to fix a particular problem in the past.

Now this pending fee aid thing, please park that. You're going nowhere with that. Pending create as a way to go through verification, validation, and everything else will essentially break the Internet as we know it right now. Because you were going to slow down the creation and registration of domain names and put most of the people at the table as of business.

If that's what you want to do with your own business, please feel free, but don't expect the rest of us to join in because we won't. It's been used in the ccTLD space in the past. It slows down registrations. It hinders the growth of a name space. It creates a greater digital divide. And it pushes registrants to other namespaces which allow for faster registrations. It does little to nothing to actually mitigate abuse because it just moves the issue elsewhere.

Most of the people who are involved in complex DNS abuse these days are very, very, very evolved. They're using all sorts of interesting techniques that have changed daily. So anything we do is really trying to reduce it overall, but not stop us. Some of these suggestions might have worked 15, 20 years ago. They won't work now.

ASHLEY HEINEMAN:

Thank you, McCauley. Volker.

VOLKER GREIMANN: Volker Greimann, CentralNIC. First point, what McCauley said. Second point, extending the AGP to fraudulent registrations might also provide an incentive for some registrars to be more diligent about their registrations in the beginning of the registration period and checking them, making the necessary verifications, validations. Simply because if they delete a domain name in that time, they would get their money back. And dealing with fraudulent registrations early is an incentive for many registrars if they have any benefit from that. So I would say that anything that provides an incentive for some registrars that currently are not just diligent as they should be welcomed. Thank you.

ASHLEY HEINEMAN: Thank you, Volker. And next we have Rick. Please, go ahead.

RICK WILHELM: Thank you, Ashley. Rick Wilhelm, PIR. Maybe I am not quite so negative on ending creators as McCauley, but don't be hard to see myself as McCauley equal in any way at all. So I would dare to not go anywhere near that. I don't think it's maybe closer to the mic. Maybe closer to the mic. So I think though that the macro thing, and I'll admit that I haven't gone through this yet in a lot of detail, but the last time that we looked at this thing, the basic thing is that the AGP limits us there. And right now, it got limits in place where refunds aren't given due to fraud because that's there as an incentive to keep the fraud from happening and to encourage the registrars to stay secure, to be active in fraud detection and prevention and things like that, and to maintain and improve fraud practices, fraud detection practices.

And so some sometimes people will use stolen credit cards to buy legitimate domains, not often. But most of the time they use them to buy abusive domains. And so by cutting down on credit card fraud at a registrar, it also happens to cut down a lot on DNS abuse. Amazon doesn't typically let goods go out the door without making sure that they have their money. And presumably that same concept should be viable in these other businesses. So I think that the part of the reason that the policy is there is to keep fraud protections up, and I don't think we should be weakening that as an industry. Thank you.

OWEN SMIGELSKI:

Just to kind of respond to that. So one of the things that is in the proposal is about doing a security response waiver request to ICANN. And this has been done for registries in the past, but never for registrars. And name chip is the guinea pig on this one. We're currently going through a process with a very multi month complex domain campaign that targeted us that are significantly strong fraud protection missed in the first place. And it was only once we began looking, because there was a lot of the legitimate stuff that was getting in there that appeared legitimate, worked with our credit card processor, did some blocks, they went to different banks, different thing.

The concern is there's a large amount of money that was out even though we already had really strong stuff in place. They figured out holes around it. The concern is we're being penalized for that even though we're doing the right thing to combat it and stop it. So that was kind of the thought on there. It was just to make it. So when you are doing the right thing and it's documented that this is fraud and it's not

from something that's necessarily our fault. Along those lines. We're not being negligent or something that we shouldn't be punished for doing the right thing on that.

ASHLEY HEINEMAN: McCauley, you're up again?

DAVID MCAULEY: Yeah, thanks. McCauley, for the record. I think I was being trolled over there. The acoustic to here are terrible. I'll have to check the transcript for those. It's not directly on this for this, but it kind of connected to it. At a previous meeting, there was some conversation and engagement between CPH registrars primarily, and I think it was law enforcement around some of these domain names that kind of end up in limbo. I was just wondering had they bothered to follow-up at all since then.

OWEN SMIGELSKI: I must apologize a little. Someone was whispering my ear. I totally missed the question, McCauley, I apologize.

DAVID MCAULEY: At a previous ICANN meeting, I wish I could tell you which one's like, but I can't, there was some discussion between registrars and others and law enforcement to try and get some assistance to kind of lock on freeze domains that end up in this kind of limbo because they've been seized by law enforcement. And there was meant to have been some kind of

follow-up, and I'm just curious to know whether they actually did follow-up. I know it's not directly AGP limits, but it's kind of, you know.

OWEN SMIGELSKI: I do not know. Does anybody else know? Because that was not necessarily something that I've been working on. Does anyone have an update?

ASHLEY HEINEMAN: I see, Graeme, you're biting to get on here, but we have other people that queue, do you want to respond to this particular case?

GRAEME BUNTON: No. It was just in the queue on this.

ASHLEY HEINEMAN: Okay. I'll fix you during the queue. Okay. Jothan, please go ahead.

JOTHAN FRAKES: Yeah, I just have a really quick observation is that we're talking about credit card fraud in most cases. So the proceeds of crime and the optics of keeping a hold of the proceeds of crime is not very good optics. You know, if we're fighting over this with the registries over the proceeds of crime being held, that's not good optics. So when we're having a discussion around this, it would be very helpful to not have that be a subjective, have it be very objective that the proceeds of crime could be restored to the victims. In the case that this happens, having that under

any kind of threshold seems a bit absurd. And the optics maybe for publicly traded companies isn't good too. Okay, thank you.

OWEN SMIGELSKI:

I disagree with Jothan. I still feel that I understand. I have the domain with name chip and I know you have very aggressive pricing, but I think that it becomes a question of again, I'm going to use the term moral hazard again. It's like if ICANN keep refunding AGP fees to a registrar who has very aggressive of pricing. And even if they have mechanisms in place to safeguard, if it's not working, then maybe it was mentioned that Amazon knows that they've gotten paid before something leaves the warehouse. Just because this is a digital asset, doesn't mean it shouldn't be treated the same way. And I think it's really bad optics for this community and for ICANN to be letting this kind of stuff go on unchecked.

ASHLEY HEINEMAN:

Thank you. We got to stay in queue, guys.

JOTHAN FRAKES:

I'm responding with that. I'm sorry.

ASHLEY HEINEMAN:

Just very briefly.

JOTHAN FRAKES: There's a there's a big difference between a pair of shoes, which is physical item and a digital item that the registry or registrar have the ability to reclaim. I don't know that I agree with that as an example. Although I do agree with credit card.

SUE SCHULER: Closer to the mic, Jothan.

JOTHAN FRAKES: Sorry. HR says this is as close as I can get. I think there's a big distance between a physically mailed item something that's shipped, something that is an actual item and a digital item. These digital items can easily be reclaimed. It's not the same. Thank you.

SUE SCHULER: There's a question online from Thomas Kuiper. Some registries request a reason when deleting a domain within x amount of days and ask for providing a reason when deleting a name. It may be something to consider to AGP-2. Specific cases may ask for a longer period, i.e. in chargebacks. This might also be interesting for statistical reasons.

OWEN SMIGELSKI: Thanks, Thomas. And, yeah, that was one thing is that we're just not going to allow deletions of anything. That would have to be something that's documented and evidence that there could be a verification by either the registry or compliance or whatever that would be. So it

wasn't the intent that this is just a Wild West. It would be more of a, yes, if it's fraud, here's the reason why and maintain that documentation.

ASHLEY HEINEMAN: Okay. I know you're dying. Technically, I think, Roger, but go ahead.

GRAEME BUNTON: Roger was kind of raising his hand for me.

ASHLEY HEINEMAN: Oh, for you? Okay. Thank you, Roger.

GRAEME BUNTON: Sorry. I didn't have my computer. This is Graeme Bunton, the executive director of the DNS abuse institute. So this topic came up a little bit at the LA Summit, and we chatted about it there, and we're chatting about it here. I think it's a really interesting topic. We've got some incentive mismatches, some technical problems to solve. I don't think we're going to do that here today.

So my suggestion would be, let's just take this to the CPH-DNS abuse group. Let's dedicate a two hour call specific to just this topic and hash out potential solution. Because I think that's going to be the most productive way forward rather than this particular context to make some real progress, share the real pain, proposed some potential solutions because I think there's a bunch. And so let's just commit to doing that in the nearest future. Thanks.

ASHLEY HEINEMAN: Thanks, Graeme. I was noticing a lot of the same arguments being had in the room. So I think that's great advice. We still have a queue. Do people still want to make some point, or wait till we have a separate conversation?

ALAN WOODS: If I could just, it's actually in relation to McCauley. Alan Wood for the record. Just the follow-up on that, I think from our point of view, we did a lot of work in that on specifically the DGA document that we actually refer to on our GNSO letter, where we've said an important aspect of any action in a DGA to law enforcement is to have an end date or a point in which we can release because that's the lack of clarity. So work has been done, but we do probably. Like, it's another thing we can continue to work on, and I'm happy to refresh it.

ASHLEY HEINEMAN: Thank you. Rick still has his hand raise. Did you want to go ahead? Please go ahead.

RICK WILHELM: Thank you. Am I close enough to the mic? Thank you very much, Catherine, for the thumbs up. I just wanted to take a bit of issue at Jothan's point digital grids are easily returned and it's not like a TV or something like that. I would offer, in particular, the domain name that's almost certainly not the case. If we're talking about the domain name that's been deleted for abuse, if it's been deleted for abuse, most that

are knowledgeable in the situation would likely assume that it got deleted for abuse because it got reported for abuse.

If it got reported for abuse, it's on an RBL. Domain names are very, very difficult to get off of RBLs as most of you all know. And so therefore, that name is not really undamaged goods. That name in the inventory has been scarred somehow. And anybody who's doing research on domain names and considering buying one might do research, find it on the RBL and then not pick it. And then therefore pick a name and another TLD.

And so therefore, that name is not undamaged. It's not returned. It's not like it was still in the wrapper and can be put right back on the shelf. And so, therefore, we just need to be careful about thinking that digital goods is easily preserved. This is just about the domain name. I'm not talking about the hosting package or something that it was associated with, because they're obviously, they're labor and resources involved now. I just want to make that point about domain names. Thank you.

ASHLEY HEINEMAN:

Thank you. Okay, we need to move on. We are running out of time. So if we could go back. Well, first of all, thank you very much, Owen. And thank you for the recommendation, Graeme. And let's take this and start focusing on it for real reels this time, and between the registry and the registrar as that is. So thank you. And that is the end of the agenda. Is there other business that people would like to talk about? Beth, would you like to talk about any other business?

BETH BACON: Please go vote. Vote. Call your friends. We don't want to do this again.

ASHLEY HEINEMAN: And make sure your company voted. I know it goes to one person who is eligible to vote. So you may not realize that they have not followed through with what they're supposed to do. So please do that.

BETH BACON: Sorry. And just to note, this is Beth again. ICANN's staff is super happy to help with this. Don't want to do an extension. They're prepared to do that, but they don't want to do that. I don't think we do. Again, this is a lead up to hopefully another vote pretty done soon. So if we can get kind of some muscle memory on this, that would be really great.

CATHERINE MERDINGER: Can I just jump in to say, you may not know if your company voted? There's a public list that will tell you. So even if you think, oh, no, that was taken care of, I told them to vote weeks ago. You may not have actually voted. So I suggest you go to the list that's on the ICANN website, check for your company, make sure all of your individual credentials for registrars, all of your TLDs have voted. Because lots of us do lots of things, but some of us aren't doing that.

ASHLEY HEINEMAN: McCauley, as you have your hand up, please.

DAVID MCAULEY: Yeah, thanks. Just like the public listing, could somebody please post those links to the member lists? Because obviously there are a lot of people who are not here. There are a lot of people who are not in the room and some of cannot remember URLs that are longer than about 5 characters anyway, so would be helpful.

JOHN MCCABE: Also, I believe it was mentioned before I think that 60% of people of eligible voters have voted and 90% is the threshold. Was that right?

CATHERINE MERDINGER: I think it was 75.6% of per registrars of the 90% threshold. It's by dumb count and it's kind of weighted. It's complicated.

JOHN MCCABE: And registries, do you know the corresponding number for that?

BETH BACON: John, that's the registrar threshold. This is Beth again. For registries, we have, and remember again, guys, there's a majority threshold and a dollar threshold, a fee threshold. For registries, we've already met our majority threshold. We have a target of 581. The current vote is 671. Thanks, guys. However, and we also have the majority threshold for the brands. The fees, we still have a deficit for both the brands and the TLD operators, oh, sorry, the gTLD operators. And we are hoping that. We know that a few people have votes in process and it's going through and it's going to work out, hopefully. But just keep in mind if you have not

been able to contact someone, if you're representing someone or you're consultant and you need to get someone else to do the vote, let us know we can help.

ASHLEY HEINEMAN:

And we'll send around the links, but just so you know it's in the chat at the moment if you want to quickly jump on it. Anything else? We have five minutes. McCauley, go on.

DAVID MCAULEY:

I'm just talking to you if you want to fill a gap. You can always point towards me. It's also helpful. Now just one thing I think that we should note, we had a meeting yesterday with the public safety working group within the GAC. And to think back to 6, 7, 8 years ago, where those meetings were very confrontational, quite unproductive. Whereas yesterday, it was much more collegial, it was much more, let's work together. It was all very kumbaya, which is both making me a little bit nervous.

But I mean, on a more serious note, I mean, it's good to see there's been an evolution. That the relationship has improved. That we're actually talking to each other instead of talking at each other. I think that's a positive thing. Due in part to the work by many people have spoken of the microphone this afternoon, all the lovely ladies at the top, and Owen and everybody, it's good. I mean, this is positive.

ASHLEY HEINEMAN:

What have you done to McCauley? But thank you. I appreciate that.

DAVID MCAULEY: And can legally remove the stupid waiver so I can turn up for ICANN meetings again. I mean, if you do.

ASHLEY HEINEMAN: On that note, I believe we have a few more minutes, but I'm happy to let you all go. I want to thank you all for being here today. Enjoy the rest of your week here. And I know that we'll be competing again as part of our meeting with the Board. We'll be meeting as registers. We have a reception tomorrow night. Please, if you have not RSVP, please do so. If you plan to come, please do come. It should be lovely. I'm assured by Zoe, who's the master of organizing these things that it's a lovely venue, and we would love to have you there. And I will turn it back to Beth if she has any final words.

BETH BACON: Nope. Just a big thank you for the registrars for treating us to some fun. For at least a couple hours, we can hang out and not talk about AGP limits maybe. Just call me crazy. But no, just really appreciate it. I'm going to make the request that if we said your name to talk to the Board, maybe stay for two minutes so that we can just make sure we're all on the same page with regards to flow, and no one has any surprises. Thank you.

SUE SCHULER: We can end the recording.

[END OF TRANSCRIPTION]