
ICANN77 | PF – NCAP Discussion Group Work Session
Wednesday, June 14 2023 – 09:00 to 10:15 DCA

KATHY SCHNITT: Welcome to the NCAP Discussion Group work session. My name is Kathy, along with my colleague Jennifer, and we are the remote participation managers for the session. Please note this session is being recorded and governed by ICANN's expected standards behavior.

And with that, I'm going to hand the floor over to Suzanne Woolf.

SUZANNE WOOLF: Thanks, Kathy. Thanks, Nick. And thanks, everybody in the room and online for being here. This is the NCAP discussion meeting. I'm looking around the room here and seeing a bunch of SSAC folks, which is always really good, and also, in the room and online, some of the study group members who have been working on our documents and pushing the project ahead, so thank you all. This is kind of a, I guess, joint NCAP-SSAC meeting, and we hope to get some activity from everyone.

So, the agenda today. We didn't put out a formal agenda, but it's very brief. We had promised (Matt Thomas and I, my co-chair) the group that once having worked through our draft findings and a bunch of draft recommendations, we would put together a roadmap for how we mean to get this Study 2 project wrapped up.

So, Jennifer, if you could put up the red map document. So we would like to propose, though, since we've been through most of the draft recommendations, we do need to finish that, review and discuss

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remaining draft recommendations. There are a few more left. They are largely not focused on technical details of the workflow. They're focused on administrative and sort of contextual matters, but we do need to keep going through those and determine what level of consensus we have to move those forward.

After that, we do the review of the draft recommendations and findings gave us a few points that do seem to still be contentious and significantly need more discussion. And there's a couple topics listed there, but the idea would be that we have focused calls on those areas to discuss options and how we want to frame compromises and so on and so forth—the workflow technical details, data privacy concerns, contention set timing, guidance to the technical review team from whom and at what level and so on. We are fortunate to have two technical writers with us, so we have resources we need to revise the findings and recommendations in parallel with us working out these contentious areas. There's plenty where we feel that we're at a point where we can ask the technical writers to clarify and polish it up and be ready to advance So that revision will go on in parallel with resolving the contentious parts. And we need consensus on all findings. Technical writers get to update the answers to the Board questions appropriately once we have consensus on basically how we should address those.

We then expect to be able to review, revise, and reach consensus on the recommendations. Once we have the findings nailed down, it will be a lot easier to determine what recommendations are actually supported by the findings we have agreed on. And then there's another round there of updating the answers to the Board questions once we have solid recommendations.

There is a study three that was part of the package. After a lot of work on study two, there's some question really as to whether we need to do study three. We do have to decide whether we want to go forward with study three. Either way, we have to tell the Board what we're recommending and why. It shouldn't take a lot of time, as we figure that a two-page document discussing study three and why we think it's OBE, if that's what we as a group believe, shouldn't be a major thing, but we do have to resolve that one way or another.

And, with luck, the final step is publication of the Study 2 final report, and we all declare victory and march on.

So, Matt is online. He's not able to be with us in the room, but Matt and I wanted to present this to the group as we'd committed and see if there's comment, discussion. Have we left out anything? Is there anything in there that people don't feel needs effort? And I am posing the question primarily to the folks that have been part of the work all along, but certainly anybody in the room or online that has an opinion, you're welcome to speak up. Any comments?

Jeff Schmidt.

JEFF SCHMIDT:

Hello. Workflow technical details, ACA, PCA. I just want to call out that we need to discuss the workflow but one of the things that has, I think, been a blocker is we have not actually defined in rigorous technical detail what ACA and PCA are. And so, I think we should have a very specific technical discussion about that and come to agreement on

what they are, and then figure out how they work in the workflow.
Thank you.

SUZANNE WOOLF: Can I put you on the spot for just a minute to sort of introduce what you're asking for the folks in the room that have not been following us closely? Because I'm realizing that we put acronyms in front of a room full of people who maybe hasn't seen them before.

JEFF SCHMIDT: Okay, yeah. So ACA is an Active Collision Assessment, a PCA is a Passive Collision Assessment. They are basically ways to gain visibility into potentially colliding behavior outside of other data sets like DITL and others. And then also there's some notification quality in those two techniques as well. They're both extremely technical and extremely nuanced techniques that will potentially be in the quiver of arrows for the TRT, which is the Technical Review Team, to use when analyzing the potential for collisions. Did that do it?

Wow. Thank you. Thank you.

SUZANNE WOOLF: Also, Warren?

WARREN KUMARI: Just a quick follow-up from that. I agree with Jeff, but I think there are also a number of other places where we've used terms and we haven't

really defined them very rigorously or people will do this but without a very good technical description of what exactly this is.

SUZANNE WOOLF: Thank you. That's a really good observation. I'm counting on the revision cycle with Heather and Karen to keep us honest about making sure that all the terms are defined and so on, but that's a really good point. Thank you.

[JEFF SCHMIDT]: Having been involved with a standards effort somewhere else where they spent months and months and months working on the definitions document, I'd rather make sure that we get the definitions nailed down earlier rather than later.

SUZANNE WOOLF: Yeah, thank you. Just sort of scribbling notes over here.

Anyone else to comment on the general roadmap or specific points? I'm looking around the room.

Jacques?

JACQUES LATOUR: So the thing that kind of is hanging over my head is, can a third-party actor influence the measurement? Has that been...

UNIDENTIFIED MALE: It will.

JACQUES LATOUR: It will. So what are the mechanisms?

SUZANNE WOOLF: That's in fact one of the areas where we have to be very careful about exactly what we're saying, and it would be lovely if you have time to join the discussion on that. It would be helpful for you to put in your real world experience. You know I was going to ask you to do work.

JACQUES LATOUR: I should not push that red button here. Don't push the button.

SUZANNE WOOLF: Always push the button, Jacques.

Go ahead, Warren.

WARREN KUMARI: And sort of related to that as well, there's still a large amount in the document where we seem to just sort of be punting decisions to the TRT. and sort of saying the TRT will figure this out. And I think some of the gaming discussions are also like, the TRT will figure a bunch of this out. And I think that we need to be providing a bunch more guidance, because why have we had all of us sitting together in rooms for many, many hours, for many, many weeks writing stuff, if we're simply gonna say, "Other people figure this out"? Of course, it's really hard for us to actually figure it out and write it down, which is why we've been sitting in rooms for many hours, writing stuff.

SUZANNE WOOLF: Yeah, that's one of the areas where we've said that we have to work out more solid and clear consensus as to how much and what kind of guidance the study two should provide to the TRT because that's always sort of a challenging topic.

Anyone else? I'm not seeing ... Matt Thomas, are you ...

MATT THOMAS: I'm here. I'm sorry. Apologies. I can't make it in person. I have some personal stuff here that just won't let me come up. That sounds like we have a plan going forward for how to work through this. I see Jennifer has her hand, so maybe we should talk to her and see if she has some other concerns since she's managing the schedule of logistics for us.

SUZANNE WOOLF: Yes, thanks.

Go ahead, Jennifer.

JENNIFER BRYCE: Thank you. It's not a concern, but I wanted to make sure that we don't lose sight of the fact that we also need to include a public comment on the draft report. So we should be adding that into our timeline, so we do a publication of the draft report and then incorporate any public comments into the final report.

SUZANNE WOOLF: Thank you. I was just thinking about that. And I think, Matt, you and I should probably just get together and propose sort of a cutoff for how much of this work has to be done before we go for public comment.

Matt Larson, if you have any comments as our ICANN staff observer about how cooked this should be before it goes out for public comment or where in the roadmap that step should go. But thanks, Jennifer. That's absolutely correct. We do need to do that. Sorry to put you on the spot. We can come back.

MATT LARSON: No, that's okay. I mean, I would think the public comment ... I'm thinking on the spot here, but I guess I've always assumed that it would come very late in the process that we would want the fully-baked document to go out for public comment. So, isn't it pretty much the last thing?

SUZANNE WOOLF: Well, there's the editorial cycle that follows taking the comments into account. So, there's usually a draft report and then a final report. And I think you're right that it should be a pretty not-so-drafty draft report before it goes out for comment. And that way we should have a limited amount of additional work to do before we call it final.

MATT LARSON: I mean, I would suggest that the metric would be if we're if we feel we're done with everything except what might come back in response to the public comments, then that's when it's ... If there's nothing else to do

but react to the public comments, then I would say that's the appropriate time to send it out.

SUZANNE WOOLF:

Okay. Thanks. Any other comments on that? Comments on the comments on the comments?

Not seeing any words in the zoom room. Anybody in the physical room want to have anything else?

Okay, so Matt and I will take the comments into account what we've heard today and do a revised version of this, which will be circulated to the discussion group. But it looks like a reasonable basis for going ahead. Thanks for your help guys.

So Jennifer, I guess we're moving on to reviewing the recommendations.

MATT THOMAS:

So with that, Suzanne, I think the previous one that we kind of got hung up on was 5.4 when we were in the technical weeds of the workflow and the ACA. So if we're going ahead with the proposed plan that we just outlined, I think that puts us to 5.4.1, which is the recommendation around "ICANN should dedicate a TRT." I know we made a comment in the plan that most of the remaining recommendations that haven't been reviewed by the discussion group are not that technical in nature. This might be one of those exceptions, but I would suggest that we kind of follow the same format that we did before when we were making good progress, starting in ICANN 76 back in Cancun, where we'll put the

text up on the screen, let everyone read it, and then open it up for a discussion to the team. Does that sound fair?

SUZANNE WOOLF: Yeah. I think it's especially important to give the folks in the room who haven't been following in the document development a couple of minutes to take a look at it.

MATT THOMAS: I can't see if there are any hands up in the room, but would anyone like to start off a conversation around those concerns, thoughts, opinions? I know we had an outstanding action item to specifically iron out some more of the guidance directed towards the TRT. Do we feel like that would be a conversation where [we're] at least starting to flush out some of those bullet points in text that we've had here? Warren or Jeff, anyone there would like to chime in?

I see, Rod, you have a hand up. Over to you.

ROD RASMUSSEN: Yeah, and this isn't the substance. This is actually the recommendation, the way it's written. I needed to go through and, or actually provide some guidance on this, having done a lot of these recently and over the last six years. And this would be the way the SSAC would do it, and we should probably follow the same guidance here. It's that the ICANN Board does not establish a technical review team. The ICANN Board directs the organization to establish a technical review team. It's a subtle yet important distinction. So any of our recommendations where

we're asking for something to be done is probably going to be the organization's role to do it. And that's just a matter of how we write up the recommendations. That's all. Just note that for the editors.

MATT THOMAS: Thank you, Rod.

SUZANNE WOOLF: Jeff Schmidt?

JEFF SCHMIDT: Thank you. So there was some discussion last time on this, as well as on the list. But the way that we phrase this recommendation should allow an implementation that looks like the 2012-style evaluation groups. And the reader of this and the consumer of our report should not take away that we're suggesting ICANN invent a new evaluation thing and a new evaluation workflow and all of that. But there were a dozen evaluations that occurred during the 2012 round. They had panels. They had workflow. They hired experts to do things. and this should fit into that model.

By the way, in the 2012 round, there was a technical string evaluation and it included DNS stability registry services. In theory, this could be roped in as guidance to those existing evaluations. What we get if we call this a 2012-style evaluation is we get applicant interaction, CQs, appeals through extended evaluation and all of those sorts of things that we don't want to reinvent and that we don't want the reader of this document to think that we are suggesting are reinvented. Thank you.

SUZANNE WOOLF:

Any reactions to that?

Rod your hand is still up. Is that an old hand?

Ah, there you go.

Chris?

CHRIS BARE:

The comment that was just made sounds like a really important one. The question would be, do we want to do you want to update the recommendation to include some semblance of that text? Because that seems like a really important point to make as part of these recommendations

JEFF SCHMIDT:

So there's no lack of clarity, I am suggesting that we update the text as such. I don't want the reader of this ... I mean, on the one hand, this is an ICANN implementation detail, right? On the other hand, I don't want the reader of this to think that we're inventing something new that's going to take a lot of time and cause a lot of pain.

UNIDENTIFIED MALE:

Jeff, 2012 was a long time ago for some of us who are not getting any younger. Could you remind us, what was the exact terminology for the review team in 2012?

JEFF SCHMIDT: Oh, good God.

UNIDENTIFIED MALE: No, I don't mean the description. I mean, how was it referred to?

JEFF SCHMIDT: So permit a long way around the barn for a second. So for people that aren't as familiar with the 2012 round, when one applied for a string, a number of evaluations were done. Some of those evaluations were on the applicant themselves. So that's financial background screening, all that sort of stuff. And then some were on the string that was applied for. That included DNS stability (I think that was it) and then geo and community priority and some other things. So those were evaluation panels (again, I think there were six or seven of them) that that had a workflow associated with getting them data, had a mechanism to interact with the applicant. We called them lovingly CQs, (Clarifying Questions). They had an appeals process that was extended evaluation. So all of those things came with the 2012-style panels.

I think the name of the panel that we're referring to here is DNS stability or string stability. I think that was the technical string-wise name of the panel. It was contracted to Interisle during the 2012 round.

UNIDENTIFIED MALE: So, I guess at the risk of piling on, I think there ought to be explicit language that says this TRT is similar to/conceived to perform similar functions of ... to make it use whatever the name was from 2012.

JEFF SCHMIDT: Yes. If you went back and looked at the AGB, be, one could argue that collisions, being a stability issue, are already included as something that the DNS stability panel should look at. And so one implementation here is this is additional guidance to that existing panel. We already have a TRT, right? It's called the DNS stability panel. Make sure they look at collisions and do these things. Does that make sense?

SUZANNE WOOLF: Yeah. I think it's fair to say that we have spent a great deal of time, particularly given that these evaluations are going to be partly qualitative and partly quantitative, talking about what data is available in the current environment we have, how it might be different to what was available in previous times, and so on. So I think all of that is among the areas we need to discuss in more detail and make sure that we have the nuance down.

And I know Heather is listening and eagerly grabbing out the guidance, the editorial guidance, and what we're saying.

Warren, you had your hand up.

WARREN KUMARI: Yeah, I think that this is fairly similar to some of the evaluation that was done in 2012, and maybe we can just go through and replace TRT with whatever the original thing was. But I think that this time we're expecting that panel, or team, or whatever we call it, to be somewhat more involved in the actual sort of analysis and operations of it. Like, last time it was largely the string gets delegated, and then we expect the applicant to do a bunch of measurement or some evaluation. And I

think this time it is more expected that this team, group, panel, whatever, is more involved in actually doing, maybe ... Okay, so, conceptually similar but not identical. More work for them.

JEFF SCHMIDT: Yeah, totally agree. And you raise a really important point. The 2012 evaluations were largely paper evaluations, right? What we're imagining the TRT is actually having an operational component receiving delegations, doing stuff that's much more active than, but it could still It'll be folded under the same panel. It's just a different function.

SUZANNE WOOLF: Okay, any other comments on that one?

MATT THOMAS: I see Casey has his hand up. Casey?

SUZANNE WOOLF: Yeah, go ahead. Thanks.

CASEY DECCIO: My question and comment is about the paragraph that says “The role of ICANN includes coordinating the allocation assignment of names in the DNS root zone.” Second sentence: “It is well as critical that ICANN be prepared to restrict name delegation in order to prevent undue harm as a result of high-risk name collisions. The default action when it comes to delegation should be to allow the delegation to happen.” So that all

appears to be part of the responsibility of the Board, I assume, that's actually making those decisions, whether or not to allow something to come through or not. And that's fine, although I wonder, until we get to the next sentence, what role that has to do with the TRT.

But then we get to the next sentence and it says that view should in turn inform the actions of the TRT function. But that sort of brings to mind for me that I think the presence of the TRT is really, really important, but I wonder if they sort of have this thing (how do I describe this?), this condition, that they should be knowing that their outcome should be such and such. It sort of takes some of the independence away in my opinion. And I worry that this whole paragraph (in particular the last sentence) sort of says you should try really hard to make it sound like this is gonna be okay. Well, if it's not the TRT's decision to call yay or nay on an application going through, then I think they should be allowed to be and encouraged to be an independent analysis body, if you will, and not sort of have that in the back of their minds; what the default should be. Now, if there needs to be more clarifying wording on that to help understand more what the spirit of this is, I think that's fine, but as written it sort of gives me the idea that that the TRT should not really have the independence that I think they should have to do the analysis work sort of almost with blinders, like that they should perform an objective evaluation on this thing. Does that make sense?

SUZANNE WOOLF:

Yeah, I see Warren wanted to comment on that and then Jeff.

WARREN KUMARI: I think I understand where the last sentence came from, and I think that probably in 99.9999999% of the cases, it will be delegated. But it does feel like maybe that last sentence is not necessarily helpful, or maybe the bit where it feels weird is the word actions of the TRT function, right? Maybe it should be “This view should inform the stance of the TRT function,” or “expectations.” I think “actions” implies too much, just rubber stamping this. But I also don't know if the sentence is actually necessary or if it would be better without it. But I think this might just be editorial.

SUZANNE WOOLF: Yeah, I think this is one of the areas where we need to refine.

But go ahead, Jeff.

JEFF SCHMIDT: Thanks. Yeah, I think there's an editorial aspect here. but there is a material item that I don't think we're aligned on, which is, what is then the nature of the TRT? What do they do? Are we giving them discretion and asking them to make recommendations? Are they supposed to do everything in this report, one, two, three? Do they make a recommendation? These strings are on the naughty list, these strings are on the nice list? Or do they hand ICANN and the Board a pile of data and say, “Good luck”? I think this kind of the very essence of the TRT and what the output is up for discussion. And there are many views on that.

SUZANNE WOOLF: Yeah, I think we've gone through a bunch of views over time, and that is actually one of the topics (and Matt, you can tell me if I'm misreading this) we should plan to have one or more dedicated calls on that will sort of set the stage around doing the details and the editorial work.

JEFF SCHMIDT: And that'll provide editorial in this section and related sections.

SUZANNE WOOLF: We need to settle on more specific guidance on the general idea before we can do the editorial work. And I see nods in the room, which is always great.

MATT THOMAS: That sounds correct. So barring any other discussion on this point, I think we have some action items for the existing editorial work and then, again, follow-up on a continued dialogue that we just mentioned.

Let's ask Heather if she has any qualifying questions she'd like to tease out of the group while we're here on this, before we move on to the next recommendation if there's no other hands in the room.

HEATHER FLANAGAN: I'm definitely looking forward to the more detailed conversation because I think my definition of editorial and yours might be drifting apart a little bit. In order for me to make the editorial changes to make this as clear as possible, I do need to understand what this group

actually wants and what the consensus is. So, I don't have any specific questions.

JEFF SCHMIDT: It's a mere matter of coding.

SUZANNE WOOLF: All we need is another layer of abstraction. Yeah, there you go. No, I think we all need to know what the consensus guidance is on that. Thank you for keeping us honest.

HEATHER FLANAGAN: Beyond that, I don't have any specific questions on this section.

SUZANNE WOOLF: Warren wants to get the last word.

WARREN KUMARI: So sort of one kind of meta-observation is this is a fairly fundamental thing that we've had in the document and we've spent a reasonable amount of time talking about, but it also seems to be something that's really hard to make actual progress on. And what I'm noticing is the conversation seems to be going a lot better in this room, right? It seems to be working better sitting around a table and being able to discuss things versus sort of lobbing rocks at each other on phone calls. I'm kind of terrified to suggest this, but maybe we could have an NCAP meeting before the next ICANN, like maybe a couple of days before, like an in-person thing where we can hash out some of the bits which we don't

seem to be able to get consensus on—somehow an in-person discussion. I don't know how or when.

SUZANNE WOOLF: Yeah, that's something that Matt and I assume would need to discuss amongst ourselves and with ICANN staff support, but thanks for raising that.

And I see a hand from Heather. Was that an old hand?

HEATHER FLANAGAN: No, that's a new hand. I wanted to plus-one what Warren said. When we were fighting with SSR2 having those face-to-face meetings, while I'm the last person to want to travel even more, they were extremely useful to actually get that project to completion.

SUZANNE WOOLF: Thanks for that observation.

Rod?

ROD RASMUSSEN: So knowing ICANN travel policy budgeting and all that, if that's a serious thing, that has to go in very soon because there's a 90 day cut-off on these things.

SUZANNE WOOLF: Yeah, Matt and I will take that offline. Thank you for raising the idea, but I think we should develop it a little further before we need to discuss it in the group again. But thank you for the information.

MATT THOMAS: Looks like a plan going forward. I'm assuming there's no other hands in the room. For the sake of making progress, let's—

ROD RASMUSSEN: None raised.

SUZANNE WOOLF: Rod is having a day. He's very excited about this being his next-to-last ICANN meeting as SSAC chair.

Sorry, go ahead, Matt.

MATT THOMAS: I was just going to recommend that we go on to the next recommendation, which is very short. So let's open it up to the group here for discussion.

SUZANNE WOOLF: It's short, but it's really substantive. “Should not reject a TLD solely based on the volume of name collision.”

MATT THOMAS: Casey, over to you.

CASEY DECCIO: I'm not necessarily opposed to this recommendation, but I'm curious what substance goes in here. For example, on one of the findings earlier (I'm sorry, I don't have the document pulled up in front of me), it's something along the lines of that we need qualitative as long as quantitative. I assume this is pointing back to that, to some extent, meaning that you can't rely on quantitative measures alone. However, the recommendations seem very simplistic so far. And so I'm curious what the proposed direction of it is. I mean, what is intended? In other words, is it going to say something about that the TRT is going to do due diligence, and they're going to find all that they can about what that volume means? What is this intended to look like even though it's there's sort of a placeholder now?

SUZANNE WOOLF: Merike?

MERIKE KAO: Thank you, Suzanne. I'm coming out at sort of fresh because I haven't really contributed a lot here, but the thing that I'm thinking about is, what about impact right? I mean if there isn't there's a lot of volume, but not a lot of impact that should certainly make a difference. And whether or not some wording around that may make sense.

SUZANNE WOOLF: Go ahead, Jeff.

JEFF SCHMIDT: Thanks. I agree with both of the statements, but, maybe rephrasing what Casey said a little, the recommendation as stated is inarguable. It is correct. But is it necessary? Does it start a slippery slope of, well, when should? Right? There's a recommendation that says ICANN should not, so then, does that leave one wondering where the following on recommendations that ICANN should?

WARREN KUMARI: I think that that came from the fairly simplistic view of that you just see how many there are, and if it's above a certain number, you say no. But it does feel a little weird that we're calling out this as a specific one to not do. Like, we don't say, you should not delegate it if it's orange on a Thursday. So this does call weird attention to it. It feels like a bunch of these could simply be wrapped up, and the TRT will do some clever evaluation. I realize that's exactly opposite to what I said at the beginning of the meeting (that we don't provide the TRT with much guidance) but I think maybe we just say that a simplistic measurement of any single data source is likely not sufficient for something.

JEFF SCHMIDT: And you just said something super interesting. This recommendation, as written, says ICANN should not, right? This seems to be advice from us to ICANN to not kind of draw a line at “N collisions is bad,” which is a different recommendation than “The TRT should consider,” right?

ROD RASMUSSEN: That should be directed to the TRT. So this would be an evaluation criteria, right? And if we were saying TRT is doing the evaluation ... So

they're interdependent, right? So the question then becomes (and this is because of the way the advice works), if the ICANN Board were to reject the TRT concept, would this get tied to that? And that by technicality would be rejected as well if you tie it to the TRT. So wording is actually really important here when it comes to these recommendation thingies.

JEFF SCHMIDT:

Well, so to that point, right, I mean, if this is criteria and advice to the TRT, where are the other 27 recommendations, right? It feels to me like the editorial intent in this recommendation (and I actually don't remember exactly how it got written) was to actually express the other point that there's no red line, right? Well, 835 is okay, but 836 is bad, right? That doesn't exist.

SUZANNE WOOLF:

As kind of a meta-comment, it's starting to feel to me like all of 5.4 goes to the question and we already agreed we have about what guidance generally. And I wouldn't be a bit surprised to see it substantially rewritten around that question.

Did I see a hand, Warren? I'm sorry. First, Casey, is that a new hand?

CASEY DECCIO:

It is, but it's just sort of building on what's been said. Maybe I'll be brief. What was said earlier I think is important, just the idea that In general, I think if you tie this back to one of the findings, the idea is that we can't rely solely on quantitative analysis but that there should be some effort

to, some effort made with regard to qualitative analysis as well, and that requires some effort on the part of the TRT to develop this. How do you put that into a recommendation? If you wanted to say “Cannot rely” or “Should not rely solely on quantitative measures,” or something like that, maybe that's just a direct consequence of the finding itself. I don't know. And maybe that's sufficient, or maybe it's still just a little bit fairly straightforward as a reflection of the finding. But anyway, I guess that's what I wanted to say about the finding, referring back to that.

SUZANNE WOOLF:

Yeah, it's starting to sound like there's gonna be some substantial rewriting here.

Warren?

WARREN KUMARI:

I think Casey and Jeff have said a bunch of what I wanted to anyway, but I've spent a couple of thousand hours on this, as I think have many other people. And the main thing that I've learned, and I suspect a bunch of other people as well have, is that there really aren't any easy answers here. This seems like it should be trivial, like you just add up this number and that number and multiply by something and take the square root and you get a pass-fail. And for any one of these sort of analyses, there's a bunch of corner cases, a bunch of subtlety, a bunch of “you can't actually see the data.” And we I think have sort of some text around that in here but I think that it's not yet sufficiently clear there is going to be a lot where the TRT or panel or whatever is going to have to be making a bunch of judgment calls based upon their expertise

and knowledge. And for some of the outcomes it's going to be very hard for them to point and say, "This is why it's going to be a sort of 'This doesn't seem great.'" And I don't think the Board or ICANN Org or anybody should be expecting very crisp, clear answers, other than like "This seems about this scary, and that one seems about that scary. And you're on your own now. Okay, thanks. Bye."

SUZANNE WOOLF:

Thanks, Warren.

And I don't see more hands.

MATT THOMAS:

A quick hand here, with my personal hat on, not my co-chair hat. I just want to echo Warren's comments there. I think he hit the nail on the head in terms of that this is not an easy problem to solve there. Each one seems to be a little snowflake. And as you might remember in the path-forward document that we shared at the beginning, there was the consideration of the appropriateness for study three. And I think to me, at least personally, that speaks volumes to it, that there is no golden answer on this. And I think at some point, in the discussion group, we're gonna need to have that conversation and really decide if the effort going into a study three, knowing that context and scenario that we've worked over thousands of hours with NCAP calls that there are no easy answers on this, is really worth, the juice is worth the squeeze there. So, I just wanted to add that comment.

SUZANNE WOOLF: Thanks, Matt.

Jeff?

JEFF SCHMIDT: Thanks. And piling on to Matt and Warren provocatively, that seems to argue for a three-page report that says, “This is a hard problem. Hire people that know what they're doing to make recommendations, Godspeed.” Thank you.

SUZANNE WOOLF: Now you tell me. Thank you, Jeff. All right.

MATT THOMAS: Any other hands in the room there, Suzanne, or should we move on to 543?

SUZANNE WOOLF: Merike?

MERIKE KAO: Now that I've read all of 543, what comes to mind is that we are trying to articulate, how do you actually define the risk, right, across all different kinds of functions or criteria, what have you? And, in security, risk quantification is a PhD study that's been ongoing for about three decades or four. So, what I'm starting to think about the recommendations is we should maybe bring it up to a little bit of a higher level, because if we don't have the entire risk criteria defined yet,

we're trying to define it in these recommendations. So, it's just an observation as I read all of this for the first time.

SUZANNE WOOLF: You sound like somebody who belongs in the discussion group. Thanks, Merike.

And go ahead, Jeff.

JEFF SCHMIDT: Just to add to that, I totally agree. We've had a couple of discussions over the years, the many years, of NCAP about this; acceptable risk threshold, what is too much, what is not enough. For folks that have not read the ICANN work that went into rolling the root KSK, it's actually fascinating. I think OCTO did a really good job, and SSAC actually wrote a paper about talking about this concept of risk tolerance for internet scale things when you could do something that could break something. What is the risk tolerance? What are the affected actors and how do you even you know think about something like that? So I think it was really interesting work that was done, and we can learn from it here. Thank you.

ROD RASMUSSEN: For a historical purposes, they asked us to figure out what the magic answer was there, too.

SUZANNE WOOLF: Because there's always a magic answer.

I see Casey's hand up. Is that a new hand?

CASEY DECCIO:

Yeah. Just one of the things that occurred to me (it actually goes along with what both Merike and Jeff mentioned) is that, looking at this again, I realized that there's one thing, to me anyway, that sort of stands out, and that's the jump between this idea of you have some measure, whether it's quantitative or qualitative (in this case we're talking about volume), and that some decision that's being made. But something that that's in between those two things that needs to be called out is that this analysis is assessing impact and risk, and that's what Merike mentioned as well, but I just wanted to call out specifically that there's sort of a thing in between there, meaning that the recommendation should have something to do with assessing who's going to be impacted by this? How much? Can you even estimate that? And then a decision can be made based on that. But that's the thing that's sort of in between these two things. Maybe that's the biggest hole that I see right now.

SUZANNE WOOLF:

Thanks, Casey.

Warren?

WARREN KUMARI:

I guess something worth noting again is, seeing as we are going to be punting so much of this decision to the TRT and also acknowledging that there isn't just a "you run this process and get an answer," we need to be clear that we expect the TRT to have a lot of experience and skills and knowledge in this space. And also, seeing as it is not going to be a

“we plug these numbers in and got an answer and you all can plug these numbers in and get the same answer,” the independence of the TRT and sort of ethical standing needs to be very high. If you have members of the TRT who people are concerned could be leaving and joining an applicant real soon now, their impartiality is gonna be called into question and you could end up with, like, “Well, you didn't approve the string, and then you went to go work for a competitor right after,” and that will end poorly.

SUZANNE WOOLF:

Yeah, just speaking from my chair's privilege, I'm jumping into the queue. I think you're right. I think we've had a fair amount of discussion of, again, how much guidance should the TRT get and how much guidance we should offer as to the qualifications for the members of the TRT? I think it's discussed in some degree elsewhere in this draft of the document. And I think at least I have heard in the discussions we've had to date is that, to a very great extent, getting to consensus on what we're going to say about the TRT does depend on the work we're doing now of trying to figure out what guidance and what context they're going to be working in and so on. But you're right, that's an important thing to make sure we cover. I think we do elsewhere in the document, but we're going to have to make sure that it's very clear as to the kind of the things you were raising.

And I am not seeing anyone else in the room.

MATT THOMAS: Heather, do you have any questions, clarifying comments, or anything from the group here?

HEATHER FLANAGAN: Not for this one.

MATT THOMAS: Well, being cognizant of time, we're almost at the top of the hour.

SUZANNE WOOLF: Matt, just to be clear, we have until quarter after, I think. Yeah, Kathy confirms, we have until quarter after.

MATT THOMAS: Oh, excellent. Good. We're on a roll. We should keep making progress then.

So let's scroll down to 5.4.3. "Recommendation shrinks with high impact. Should have special attention during the name collision assessment process." Again, we'll take a few minutes and let everyone read it and open it up for the floor for discussion.

SUZANNE WOOLF: Merike, since you raised the question of impact, I'm really eager to hear how far you think we've gotten on this one. Thanks.

MERIKE KAO: Let me take another sip of coffee first.

SUZANNE WOOLF: No hurry.

Okay, Jeff?

JEFF SCHMIDT: As an editorial matter, we can take this offline, but I don't think this is a real super precise description of what actually happened in 2012, nor do I think it's useful restating what happened in 2012 in a recommendation. That being said, the words “high impact” and “special attention” obviously are loaded, and don't have context or definition to make this at all actionable.

SUZANNE WOOLF: Marike, go ahead.

MARIKE KAO: I'm in agreement with what Jeff is saying because as I just read this, I don't know what “high impact” is specifically, unless it's called out in the text specifically, and the “special attention.” And again, I'll participate in this in, in the future, near future. But I think it needs to be a little bit more prescriptive if it's going to be a recommendation.

SUZANNE WOOLF: Yeah, thanks. That makes sense.

Any other?

Jeff?

JEFF SCHMIDT: And I think what the recommendation is trying to say is that strings that the TRT thinks are bad should get put on the registry, the naughty registry. I think that's what it's saying, right?

SUZANNE WOOLF: Some amount that depends on defining the terms, which in turn may be something that we end up either making up or we might find some reference, some help, defining these kinds of conditions in the literature regarding the previous round if these terms were defined or these concepts were defined. But, yeah, it does require some work. We're going to have to refine it one way or another.

JEFF SCHMIDT: Well, it's like what Warren and I were both saying in the previous ... It's going to come down to an expert making a judgment call. It just is.

SUZANNE WOOLF: Merike and then Warren.

MERIKE KAO: One thing that comes to mind also is that it might have higher risk but be okay to delegate, but you want to keep observing and maybe have some mitigation steps, right? So, I think it ties into what mitigations would come into play if it's found that the “high risk but okay” really turns out to be “high risk but not okay.”

SUZANNE WOOLF: In other words, high risk of collision is different to risk of substantial impact. Yeah, thanks.

Anybody else in the room? That's right. Actually, Warren was after America, right? I did call on you. Sorry about that.

WARREN KUMARI: I don't really remember, but I suspect all I was going to say is, if none of us in the room are quite sure what this is, it obviously needs more work.

SUZANNE WOOLF: Which we need to provide guidance to Heather on doing, which I think we're making progress on. Go us.

Jeff?

JEFF SCHMIDT: That kind of got me thinking. There's a question about what the universe of options are. So, I think what was kind of being implied with the last comment was that the TRT may also evaluate the quality of countermeasures or the quality of a remediation plan, or the quality of controls or whatever. Here's an example. Is there a difference if Badco LLC applied for .corp versus Microsoft applying for .corp? And where is that evaluated, and is that in the universe of options here? That's a hard question.

UNIDENTIFIED MALE: [inaudible]

JEFF SCHMIDT: Yeah, yeah, yeah, yeah. Yeah, I'm sure.

SUZANNE WOOLF: Okay, and I see Casey's hand in the room? Sorry, on Zoom.

CASEY DECCIO: Yeah. I think most of what I was thinking has probably been said in one way or another or again, but just to emphasize, some of the terms that I struggle with in this, but maybe even throughout, is what we mean when we talk about a high impact and risks, even when you put them together. I think what we're referring to is potential fallout from those third parties that are using these names in some way or other. But that's not necessarily clear to me and maybe to others. And so it would be nice to have that spelled out as part of this somewhere, if not here; that when we talk about risk or we talk about high impact, we're talking about sort of disruption of the status quo and people that might be affected. This is the statement that came out with regard to threat to human life or something like that, right? That's the extreme end of this, I think that's what we're talking about. But even at the more basic end, with disruption of network services or whatever, these are the sort of the complaints we would get. Now, if I'm wrong about that, then it needs to be clarified. But either way, I think it needs to be somewhere, whether here or elsewhere; what we mean when we talk about this impact and risk.

SUZANNE WOOLF: Yeah, speaking for myself (sorry I jumped in ahead of Jeff), I think we have discussed those issues fairly extensively, and what I'm hearing a

lot of today is we need to, first of all, go back to the findings and examine the strength of consensus on some of them and how we feel about some of the findings, because I think some of this risk analysis work is in the findings, and we're trying to figure out how to incorporate it into recommendations. At the same time, the other thing I'm hearing is that some of the work we've done and some of the things we've agreed on haven't actually made it into the document yet, which is good feedback to have. Thank you.

Jeff, go ahead.

JEFF SCHMIDT:

Thanks. Clarifying myself from my previous comment because I was not clear, in defining special attention, like what the options are, we've always, I think, basically thought that the TRT would be yes/no, right? You're on the naughty list or you're on the nice list. But there's a maybe. There may be a maybe option, a third option, which is "yes, but" or "no, but." I don't think I'm in favor of it. But with this last conversation, I think we need to take a position on that ("we" being the NCAP). The outputs of the TRT are yes, no, yes/but, no/but, qualified yes, qualified no.

Go ahead, Warren. You look horrified.

WARREN KUMARI:

I think that this might need some more discussion, because I had always assumed that the output of the TRT would be more along the lines of, "We think this one's probably kind of okay. We think it's about this scary," or, "We think this one's almost definitely okay. It's about that

scary,” but much more of a sort of slider on the scariness scale and that expecting the TRT to give any definitive yes or no is not really fair to the TRT. I think that what ends up happening is that ICANN ends up assuming some risk in that, and that's not really something that the TRT can realistically take on, right? They can simply provide some advice to the Board or the Org or whatever that this one seems a little less scary than some of the others, and this other one seems absolutely terrifying, and the third one we see no real issue of it in it, but who knows? So, I think I'd always viewed the output as being much more of a sort of graduated scale, not a binary or even an almost definitely fine but more of a sort of “it's slightly less gray than the other one that we sent you last week.”

SUZANNE WOOLF:

So Matt, and then I saw Merike's hand. Go ahead.

MATT:

Well, to state the obvious, this is really, really important. And the fact that we don't agree on this is significant as well. I just wanted to chime in with to remember the ultimate arbiter is going to be the ICANN Board. So I don't think it's reasonable for us to have a process that outputs information that's not actionable by the ICANN Board. That's my comment. I'm not going to go further and say what I think that means, but if the output of the TRT is too fuzzy, it doesn't help.

WARREN KUMARI:

Actually, that raises something that I've been wanting to ask for a while, but I'm not sure how. Is—

SUZANNE WOOLF: Warren? Sorry. Merike was actually ...

MERIKE KAO: So, a couple of comments. And I'm kind of wondering where OCTO's role stands when it comes to the TRT. Just throwing it out there so that maybe they can help with analyze or with some of that potentially, right, as it comes.

UNIDENTIFIED MALE: I want to know where the TRT is meeting, so I'm not in that room.

MERIKE KAO: Yeah. But the comment I was actually going to make was that if we give the TRT the right for a yes or no, I'm wondering if the TRT is going to get created because it will open it up for lawsuits, right? And we have to keep that in mind. It's just, I mean, realities, right?

SUZANNE WOOLF: And we have just stepped out of scope.

MERIKE KAO: I get that, but I did we have to be in reality as well.

SUZANNE WOOLF: Yeah.

Warren and then Rod and then Jeff.

WARREN KUMARI: Matt raised a very interesting and useful point, and sort of what I've been trying to figure out how we ask is, we've all been working on this document; is it actually going to be providing output that is useful for what it's chartered to do, right? Like, it's not a formal "This is going to be providing the right thing," but I want to make sure that we are actually working towards what the Board and Org is going to be able to find useful. It would be very sad if at the end of this we publish a document and the Board looks and goes, like, "Well, that didn't really help answer our question at all." I don't know how we find that out other than publishing the document and being like, "Here you go. Provide real feedback." But—

SUZANNE WOOLF: We can take further discussion on this offline.

WARREN KUMARI:: That's probably a good idea

SUZANNE WOOLF: But to my mind that is why Mr. Larson is here: to provide staff guidance on what they need from this process.

Rod and then Hadia, I saw your hands.

ROD RASMUSSEN: Two comments. One is on the rule of OCTO. That's really outside of our scope as well. We're providing recommendations to the ICANN Board.

How they implement that is up to ICANN Board and the organization to decide. So let's not get too far in the weeds there because we'd be over prescriptive. Now, we could have the discussion about who's likely to do it. That's perfectly fair, but it shouldn't be written up.

I have a proposal on how to think about the output of the TRT. This is really a risk assessment, and that kind of gets to some of the other stuff around legal and all that stuff if you're hiring somebody to do a risk assessment for you that. It's well understood how to do that and then [indemnify them]. That's we don't need to worry.

But if we think about if there's some precedent we could use to think about how a risk assessment might come out, we have strings Right? By looking at what our recommendations are and guidance that we can provide to the TRT, would they come out with a similar kind of high-risk assessment for things like corp or are things that have been on the list forever (of restricted lists)? That actually might be useful as an exercise in thinking about how things might be phrased for guidance to that eventual team.

So, just a thought process thing there you might be thinking about, just comparing it to things in the past.

SUZANNE WOOLF:

Thanks, Rod.

Hadia, I think you get the last word because I kind of lost track of time but we're almost at the end of our slot here. So, please go ahead.

HADIA ELMINIAWI: Hi. So, again, as Rod mentioned, with high-impact risks, we shouldn't worry much about like how do we define this. However, what we should worry about is the highlighted sentence: special attention. My understanding is that we do want to provide recommendations that are actionable. It's not just a read. And if we say, for example, that special attention would mean yes, no, and a maybe, if we put here the maybe, then, on the risks that don't have high impact, where would those lie? Like we here are talking about high impact risks, but definitely we do have other kind of risks that will actually land with the maybe. And thank you.

SUZANNE WOOLF: Thank you. I think this is a lot of what we've heard today is keep focused on keeping it actionable, and where we want to be prescriptive, we need to be very clear about that. So I appreciate that.

One more word from Rod?

ROD RASMUSSEN: Maybe all the answers are maybe and it's how maybe is the maybe, right? That's risk assessment, right?

SUZANNE WOOLF: Yeah.

And we have one more minute ?

Jeff?

JEFF SCHMIDT: Just as a quick note about the 2012 round. All of the panel evaluations were yes/no, right. Everything was pass-fail. You went through an initial evaluation. If you failed you had an option to go to extended evaluation. There's never been a non-pass-fail panel involved in this. So it's interesting to see where we fall on that.

SUZANNE WOOLF: Thanks, Jeff, and thanks, everybody, for joining the meeting and participating. We've got a lot of good feedback on the current state of the document. I especially want to thank the SSAC members who made time to come in and figure out what we're doing and offer good suggestions. Much appreciated. And I think we are done. Thanks, everybody. See you next time.

MATT THOMAS: Thanks, everyone.

[END OF TRANSCRIPTION]