
ICANN77 | PF – Joint Session: CPH and CSG Membership meeting
Thursday, June 15 2023 – 13:45 to 15:00 DCA

SUE SCHULER:

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LORI SCHULMAN:

Thank you and welcome, everybody. I am CSG chair Lori Schulman. I'm president of the IPC. We have Ashley Heineman here from the Registrar Stakeholder Group. We have Sam Demetriou from the Registries Stakeholder Group, from GoDaddy and Verisign respectively. We are here today for an open dialogue. We have been doing these joint sessions now for quite a few meetings. We found them extremely helpful. As you can see, we flipped a little bit with welcome and overview. Actually, Ashley and Sam will be wrapping up and I'm introduction because we like to really confuse you.

We have two proposed agenda items today which will be led by different members of our constituencies. We have making the Registration Data Request Service, RDRS, which on the IPC side we are lovingly calling the redress system, hopefully, successful. What we need to do to encourage engagement and to encourage results. In a nutshell, the issue is on our side, on the CSG side, we will be happy to use the system as long as we are receiving data. On the contract side, we will be happy to provide you the data as long as you are giving us complete actionable items. Sufficient evidence, sufficient cause for a registrar registry to divulge information and stay within the legal boundaries of a huge set of privacy laws that span the globe. That's issue number one.

Issue number two is the much-anticipated proposed DNS abuse amendment which will hopefully move the ball forward in terms of putting responsibilities on registrars to respond to abuse complaints and giving ICANN compliance more teeth, more leverage to enforce those obligations. Some of the language that was fuzzy or not quite well understood has been cleaned up. There are guidelines have been issued as well so that we have some good idea of where we think

compliance will be headed and what registrars and registries must be doing.

Noted up top are the leads from the contracted party side and we will also have leads on the non-contracted on the CSG side, the lead for the RDRS, I can't remember so just self-identify, and the lead on the proposed DNS abuse amendment will be Brian King who is vice president of the RAC. And the redress service I believe Mason is handling from Mason Cole who is chair of the BC. Thank you. You look a little surprised. If it's someone else let me know. I apologize I completely spaced it. So with that I'm going to toss it over to Sarah Wyld to get right into the first subject.

SARAH WYLD:

Thanks, this is Sarah, I kind of lost track that I was talking here. Hi, thank you, this is Sarah Wyld. So the RDRS system is one that registrars have been supporting the development for quite some time and we're really looking forward to all working together to operate this and hopefully also see requesters using the service so that we can get a better sense of the volume of request data that will be running through it. Can we, there's no slides. I didn't realize I was going to be talking about this right now and I'm not sure what is expected.

ASHLEY HEINEMAN:

So I think what we probably should do, Sarah.

SARAH WYLD:

So sorry.

ASHLEY HEINEMAN: These are some items that were proposed to us to have a conversation. So it actually might be much more useful if we turn it over to our CSG colleagues to introduce the subject and what you'd like to talk about and we can just have an open dialogue and conversation rather than presentation. So that's how I propose.

LORI SCHULMAN: I see that's a great idea. We would much prefer informal conversation than formalized scripted presentations. So that's fine. So I will explain and then my members, please back me up here and it kind of takes Mason off the hook, which is awesome for Mason. Is that we've discussed a lot about the utility of this system, whether the system would be useful at all, whether the data that is collected and reported would be the kind of data that the board has said it needs to make decisions about future enhancements. As we all know that this is a compromise system based on the fact that an assessment was done about the cost and feasibility of the original proposed since system that I now also can't remember the name because it's Thursday after lunch.

But the original system had imagined accreditation very robust technical features. And this system is a pared down version of that. Whereas before there was some sort of what I call a higher baseline for making sure that information could be revealed. This system truly is a ticketing system that there is you make a request, you fill out the forms as required. And in theory, if the evidence is sufficient and all is well, you should be receiving a response from the registrar from the data holder, the data collector, for lack of a better word. And if you don't

receive a response, then that could be actionable. If you do receive a negative response, then that response should be well reasoned that their arbitrary knows hopefully will be eliminated from the system.

So from our point of view, in theory, we very much would like to make this a success. We would like high volume use, high volume responses, and enough data to prove that a system like this is absolutely workable. And the question is, how do we do that? And I'm going to offer the first solution, something that I've been thinking about. I think one of the areas where ICANN could use a lot of help from the community is in the area of marketing. Truly thinking about this as a business, a business we're trying to sell, although a nonprofit business, a business we're trying to sell, sell usage of to socialize within our respective communities that this tool exists, this tool is usable, and also that this tool is predictable.

So one of the questions we have, so there's a practical aspect to this. How do we market this? What kind of marketing campaign can we come up with? Can we use the marketing departments of different members of the community to help? And I'm going to say your own company, GoDaddy, is a master of marketing. You're really good at it. Everybody knows. There's a lot that can be learned from taking business approaches to marketing products that we'd like people to use. So that's one thing I'm thinking about, which may be worth discussing.

And the second thing, which I think is very key to our side of the house, is predictability. Right now, there's cynical thinking about predictability, because right now, when requests for information are

submitted, the predictability is we're not getting the information. So we really would like to shift that expectation so that we are enabling the community to provide the kind of evidence and provide the kind of documentation and completeness that we're hearing is needed in order for the contracted parties to stay within the remit of their privacy obligations. And it's not just GDPR. California and many US states have very strong laws. Brazil has strong laws. We're seeing laws emerge globally. India is contemplating a law. So this issue isn't even a Eurocentric issue. It's a global issue. So that's where I'm at. And if anybody would like to offer ideas about how to market or ideas on, we'll take marketing first, and then I would then suggest to discuss predictability.

ASHLEY HEINEMAN:

We've got a queue. I don't know if you, I'll be the happy queue taker or worker. So we have, Brian King has his hand up first.

BRIAN KING:

Thanks, Ashley. I'm glad to be first. I'd like to first start with a thank you. My head turned this way to Ashley over there personally and to many of the registrars that have begun efforts to socialize the RDRS system across the registrar community. I think if this thing has any possibility of giving us the kind of data that ICANN and the board needs, registrars will need to participate. And that is on a voluntary basis, as a reminder. So Ashley, we saw your Circle ID post, and we really appreciate it. I think it's a great step. It's the spirit of which we'd like to engage in the RDRS conversations too. I know there's been some doubt

on the contracted party side and other parts of the community about whether requesters will use it.

I can commit on behalf of many of us, service providers, IP attorneys, and our customers and clients that we do want to use it and do want to give it a fair shake and do want to do our best to generate the type of quantity and hopefully quality of data that ICANN will need to evaluate the RDRS. So I want to start with thank you. We appreciate your efforts on the request approver side. And on behalf of many of us, we want to engage. And we could start a conversation. Lots of people probably already have the reason in their head why they raised their hand, but maybe we could talk about any opportunities that we have to work together to, like Lori said, kind of market the system and hopefully make it a success. Thanks.

ASHLEY HEINEMAN: Thank you, Brian. Sarah, you're up next.

SARAH WYLD: Thank you. This is Sarah. Brian, you used my current favorite word, socialize. We do need to socialize the existence of this system and help make sure that the people who want data know that there's a process and a platform. So one of the things that the Registrar Stakeholder Group Communications Team is working on is materials that we hope will be helpful. And so that includes FAQs or explainers, as I call them, providing options for different other responder text or website content that registrars could use to help explain the existence of this system

But one thing that I'm really still stuck on is that I think requesters who come to a registrar to request data are maybe not the ones who need to know that RDRS exists because they already know that there is a process. So I'm thinking about how to reach out to those who just don't know where to start. And I think that's where we can maybe make the best progress as a team here. And so that's it for marketing. We had the other topic, but I'll save it. Thank you.

ASHLEY HEINEMAN: Thank you, Sarah. Michele.

MICHELE NEYLON: Thanks. Good afternoon, everybody. Michele, for the record, a couple of things. First off, the naming of the DAM system. I think that acronym is horrible. I can understand why Laurie would like to give it a more memorable name. Not sure that's the one I'd like, but it's a starting point. At least we've managed to get away from pizza. So I'm thankful for that, at least. But I think when we're talking about these kind of things, we need to be careful around language. The term, for once in his life, Brian is going to get thrown, I'm going to throw Brian a bowl and actually agree with something he said. He used the term socialize. Please don't use the term market.

If you think that any of us are going to be on board with the idea of marketing the business of providing access to our clients' data, hell no. You still have not understood the basic concepts and tenets of privacy. That's not how this works. Now, if you want to socialize, socialize using the system. That's perfectly fine. I'm happy to do so, but please do not

do that. This thing about that is I'm immediately thinking of big tech, selling data, surveillance, capitalism, all these things that will drive a lot of us absolutely mental and will not get you what you're looking for. When it comes to the predictability and everything else, that's going to be an uphill struggle, because I think some people still seem to think that they have a God-given right to access data. They don't, and they have to provide clear, carefully worded, carefully crafted, legitimate requests.

Legitimate is something that we have the right to decide on, not you, because we are the ones who have to deal with the DPAs, and we are the ones who have to deal with our clients. That is just the reality of the way this works. You may not like that, but that's just the reality. Alternatively, you have to go down other routes, which are not particularly helpful for anybody. I think how this is framed and the choice of language is something you have to be very, very careful with. Ashley and Sarah and others on the registrar side have been trying to do their best to make as many registrars as possible aware of the pilot, what the pilot consists of and what it does not consist of, which is also very important.

There are quite a few registrars who do not actively engage within the ICANN processes. We have already seen when we were looking at the RDAP amendment, that trying to get them to actually participate in the actual voting and everything was quite hard. Getting them to sign up for something like this is also going to be quite difficult. We're trying our best here. If you can do something to get that word out there to those who you're coming into contact, maybe that will be helpful.

ASHLEY HEINEMAN: Thank you, Michele, Reg?

REG LEVY: Thanks. Reg Levy from Tucows for the record. Not to pile too much on Sarah's points, but it seems INTA is a great place to socialize this kind of thing. You guys have access to your industry groups and you guys are the ones who are using this product. So from the standpoint of socialization of how to access this information, please do provide that. In addition, the Registrar Stakeholder Group, and I'll provide a link in the chat, has drafted a document that says, this is how you can get access to data. Prove to us that you need it and here are seven questions that you can answer. And five, question mark, years into this, I'm still getting extremely poorly formed requests and a lot of the reason that I deny requests for data is because they do not provide me with a legitimate reason. They just say, hey, I need it. And I need more than that to evaluate the request.

ASHLEY HEINEMAN: Thank you, Reg. Thomas Rickert.

THOMAS RICKERT: Thanks so much. We've been discussing how we can make this success in the small team. And we do know that ICANN is producing some educational materials, but I think we need to cover on a couple of different topics. One is manage the expectations of the request for us, because there's no guarantee that they're going to get the data

disclosed if there is not a sufficient legal basis for that disclosure. Number two is they need to be aware that the system exists. So that's the promotional part, Lori, that you mentioned. I think that there are various avenues that can be taken. But I think we really need a marketing plan in order to make sure that individual rights holders or people that are concerned or need data get the information, as well as companies, as well as law enforcement, if they chose to, as well as other interested parties.

And I remember that Steve DelBianco made an excellent point about him working with the requestor community, so that can maybe be used to do some sort of a road show to advertise that this thing exists. But then the last point that I would highlight is that we need to show that it will be beneficial for the requestors to use that system. Because if there is no benefit of using the system, particularly since it's a stripped down of the very feature-rich SSAD that we've originally recommended, we need to come up with maybe some innovative ideas. And I hope that you guys are not going to kill me, but one idea could be that registrars fast track requests coming through the system, vis-a-vis the ones that hit their staff or the queue directly.

So that can be publicized on the registrar's website, that this system exists, and that preferential treatment is going to be given to the ones that are coming through the official system. So that would be -- so I think we need to advertise that via the requestor community. That's what I just tried to spark the discussion off on. But the other thing is that the registrars also need to be incentivized to be part of the system, because as you know participation is voluntary during this phase. And maybe we can also make it attractive for them. So that's food for

thought. I think we need a big spreadsheet with all the various action lines, and then maybe populate that document with who is best at doing what. And I think that the CSG is willing to help to the extent they can advertising this and being a member of the ISPCP, we're surely happy to help advertise this vis-a-vis other infrastructure providers. Thank you.

ASHLEY HEINEMAN:

Thank you, Thomas. We've got Steve Delbianco next.

STEVE DELBIANCO:

Thank you. Steve DelBianco with the BC. To induce the requester community to use this again, you have to remember that for four years we've lost the ability of WHOIS to help solve the problems. And WHOIS, is not the objective. WHOIS was a means for the objective of solving a problem like a fraudulent domain that was fooling my consumers, the distribution of malware, security threat, or a law enforcement issue. And in trying to address those things, we often found that WHOIS helped. It helped to identify the registrar and it was somewhat more long-term solution than to simply get a takedown by a hosting service.

So WHOIS did help. When WHOIS went dark, instead we turned to slower and more expensive ways to address it. Slower, more expensive, and less lasting, since we don't really get to the registrar. WHOIS going to move to a different registrar. So that is explaining, and Sarah, I think understands some of this. This is explaining why we have boiled the frog for the last four years and we are spending more money, more time to take down threats that are harming our consumers, security threats,

and law enforcement. So the value proposition to the target audience of requesters is twofold.

The first is there's a chance that a centralized system distributing to registrars you don't know very well might actually get better disclosures in exchange for high quality responses. That's the first value proposition. But I don't want the requester community to just bail the first time they get a couple of no's. So there's a second value proposition. It's to demonstrate that high quality requests earn a disclosure. They earn it from you.

On the other hand, it might actually demonstrate that they don't. Because some registrars will continue to ignore or not participate or choose not to evaluate the requests that seem to be appropriately given evidence. Now I've asked Jamie Hedlund to verify whether compliance can see the RDRS records. Because if they can see those records pursuant to a complaint from a requester, Jamie's team can look in there and say look at the evidence that's cited, look at the response that came back, both the timing and nature of the response, and evaluate whether that's a violation of ICANN policy, which may or may not lead to compliance, enforcement, and may even lead to policy development.

So I'm trying to suggest that the community needs to know the value proposition. And then I'll close by saying this. Once you have the value proposition, you can't pitch those two values to everyone the same way. There are three distinct audiences on the requester side. Commercial audience, security researchers who also have a commercial element, and there's law enforcement. And in each of those three audiences, there are people that are experienced with these

problems, know a little bit of something about ICANN and the registrar world. And the second category are people that don't know anything about it. They're brand new to this. And you can't use the same rhetoric, messaging, and acronyms with both of them. So we need to design six different forms of messaging to communicate those two value propositions to six distinct audiences.

Again, those are commercial, security research, and law enforcement. And for each of those, you need to take a look at experienced and new. And this is just marketing 101. Most of us in this room do this for a living, and our companies do, and stand ready to help ICANN or to the extent you want to do it, and the rest of us will have to work with each of our respective communities. So that's the value propositions. And I think it also explains why we see so little demand, Sarah, right now. Thank you.

SARAH WYLD:

Thank you. And I'm turning it over to Lori. Thank you.

LORI SCHULMAN:

I agree with those in the room, in the chat, and in the queue, suggesting that INTI is ideally situated to, and I will say promote the program in respect to Michele's comments. Although I want to make clear, I was certainly not suggesting the sale of data, as you understand it, in surveillance capitalism. I feel that requires a clarification from my point. What we want to do is, to Steve's point, encourage good use, to encourage complete applications, and to Thomas's point, that even a complete application may, in fact, not reach a hurdle where the risk is

acceptable to the contracted party who's been receiving the request. So that's stipulated.

That being said, if this is done right and well, more frequent and thorough responses should emerge as well, because you have a documented process that would comply, hopefully, with most, if not all, privacy standards. That being said, in order to market or promote within side INTI and INTI's membership, we need to have a certain confidence level in terms of the scalability, in terms of the time frames. I haven't yet pushed this, because I'm not clear, and it's up to me to do this homework when I leave here. Where are we? Are you ready? We have 30,000 individuals that we can reach with messaging about how to use the system, when to use the system, what's appropriate, and I think, Steve, your point about experienced practitioners versus inexperienced practitioners is very well taken.

Because what we don't want to happen is to do the push, and without the system being ready to take what could be potentially high volume. So that's one area that I feel like it's fair to caution. On the other hand, I've already had some side conversations. Santa has a leadership meeting in Houston, Texas, coming up in early November, right after Hamburg, and I'm hoping to work with some of the bigger providers, perhaps, in coming to that meeting, leading workshops, and I love the idea Ashley had put into the chat that the GAC is considering courses for govies. I see no reason why we couldn't also post those kinds of training resources at INTA.

From INTA's perspective, I can tell you that I will get these things in the works. We're a large organization. These will require resources, which

we will be happy to devote, but we're going to have to sort that out a little bit, in terms of what long-term engagement with the system looks like and how we handle what I know will be sort of the learning curve of users. Is there a help desk, do we need an INTA help desk? In order for this program to work, it absolutely needs to be well supported. So these are the things to consider, but I am in full agreement that the first stop you want to go to is INTA, and then I will say that INTA is part of many different NGO working groups, IP NGO working groups.

We're part of an NGO coordination team that spans IP offices globally. We're part of a regional team here in D.C. So we can certainly take the message internally that we're sending an INTA and send it to our colleagues and other IP associations. We do have the resources. However, the effort itself needs to be well coordinated, well thought. I can't just start pushing out social media, go use this system. That won't work. That I can tell you 100%.

So I think it might be incumbent upon us between our two houses to maybe come up with a promotion team, just a team to work on the problems. I would certainly be willing to volunteer my time. And I don't know that it even has to be a formalized ICANN process as much as it has to be good heads in a room. To Steve's point, this is, and pardon me, Michele, Marketing 101. So when I'm talking about marketing, I'm talking about raising awareness, having a targeted plan and providing support so that the service that we're providing is successful.

ASHLEY HEINEMAN:

Thank you very much. Sarah, you're back up in.

SARAH WYLD:

Thank you. This is Sarah. So to the topic of timing, I do recall that the registrars will be able to start onboarding in September and then requesters in November. I know I keep saying December, but it's not, it's November. So now is probably the right time for us to get started in this work. Maybe that November meeting that you've just mentioned would be especially well-timed to share this information. Because the system ought to be available around then. Coming back to predictability, older comment, but as a Canadian, I'm just so glad to hear reference to privacy laws other than the GDPR, which we know is my favorite, but the HIPAA still there.

I'm so excited about the RDRS capacity to help standardize requests and what would be included in requests so that they can be evaluated efficiently and quickly, which I had written down before you said it, Steve. And ideally with a resolution in that first interaction rather than there needing to be a back and forth. So to Steve's point about this value proposition, absolutely. Yes, that is a good way to present it. It's more efficient, it's less expensive. I have really focused on the registrar side of things just because that's more my role in this system. But I do think that that approach makes a lot of sense. I agree that different approaches are necessary for different audiences. So I'm excited to work together on this. And I think teaming up to do some marketing materials would be really great. Thank you.

ASHLEY HEINEMAN:

Thank you, Sarah. Catherine.

CATHERINE MERDINGER: Thank you. I wanted -- this is Catherine Merdinger from name.com for the record. I kind of wanted to go back to the points Thomas made and some Steve as well, just to kind of respond. My concern about the fast tracking of these types of reports where I agree that would help encourage folks to use the system. The concern is that we have SLAs on all of them. And so if people send support at name and email requesting data, even though we have a form and a dedicated email, it doesn't matter. That is subject to the same SLA, even though it's just a 17 word email, give me the data, whatever. So my concern with, with prioritizing those is that from the ICANN compliance perspective, we're at when we're out of compliance with the SLA, we're out of compliance with the SLA, and it doesn't matter where we got that report.

It's also, I think, important to note that we know these registrars and registries, registrars very well. We don't always know the requesters super well. I know, I think it's really good to hear that we'll be talking or folks will be talking about this at INTA. But we need instruction on what you need, because we don't necessarily know these people and we know the bad reports we're getting. And so if there is a way that we can help you better educate, which I think we've kind of been trying to do these years of like, these, this request will get rejected, this request will get rejected, this request will get rejected, and we keep seeing the same request. So it doesn't seem like, I will say, requesters are learning that much. And maybe that's because it's coming from us, but I think we need definitely more collaboration.

Just on the idea then of using the compliance process for what Steve called, I think, high quality requests, ICANN is kind of unclear maybe right now on whether it's going to consider itself a data controller. They cannot make us disclose data if they are not a data controller. And so using a compliance process to say, this was a well-formed complaint, why didn't you disclose the data? We can say, we did our balancing test that the legitimate interest did not outweigh the right to privacy. ICANN doesn't get to come in and say, sorry, we think it does. You have to disclose. That's what I got. Thanks.

ASHLEY HEINEMAN:

Thank you. Catherine. Michele.

MICHELE NEYLON:

Me again. Awesome. Michele, for the record. Just picking up on Steve's things there. Just this thing about bringing ICANN compliance into the fold. Catherine was much gentler and nuanced in her response there. As you know that's not in character for me, so I'll make it very clear to you. Hell no. If you want this system to be adopted by the vast majority of registrars, there is no way on earth that that is going to happen if we all feel that we're going to be having ICANN compliance crawling around us all the time. Because as Catherine quote said, "It is not ICANN who decides whether or not we disclose the data." Now, if it's a question of registrars receiving requests and not responding to them, hell yes.

And I've said this before, and I'll say it again. I have absolutely no issue with ICANN compliance going after registrars who do not comply with

their contractual obligations. If they are not responding to abuse reports, they should be, which is why I'm quite happy to back the upcoming amendments to the contracts. But there's a subtle, yet very important difference between those two things. ICANN is not the arbiter of what my company is willing to disclose. The risk is on me and my company. The balancing test, it's my choice. If it's a case of registrar A has received 25 requests, and we know they've received 25 requests, and they have responded to one request, then yes, we are in agreement. But you have to be very careful, because as this pilot is voluntary, if you make it unattractive, then people will not opt in.

ASHLEY HEINEMAN: Thank you, Michele. Margie.

MARGIE MILAM: Hi, Margie Milam. Regarding the spreading the word of the system, one of the things I think might be helpful is putting a link in the whois.ican.org site where people go to right now for basically thin data at this point, because they already have that in their process flow. So I hope that's something that ICANN is thinking about, but it would be one way of getting the word out for that. Thank you.

ASHLEY HEINEMAN: Thank you, Margie. Mason.

MASON COLE:

Thanks, Ashley. Mason Cole from the BC. I've made a list of a dozen points, and everyone has one by one picked them off in this conversation. So, I hope I'm not repeating, but one thing I do want to say is this system right now, as it's proposed, lends itself to insider baseball. And people who know what WHOIS is, know what the system can and can't do, and know what value is presented.

If this is just a checkbox exercise, and we don't put our awareness raising and I'm not going to say marketing, I don't want to incur Michele wrath, but awareness raising around this, then it'll be deemed a failure, and we can all pack up and go home. So, I really like the idea very much of working together, the CSG and CPH, and I just wanted to say that the BC will absolutely support that effort and put resources behind it. So, whatever we can do to help, we're here to help.

ASHLEY HEINEMAN:

Thank you, Mason. And turning it over to myself I think we started the process because we, as registrars anyway, really saw this was not going to work if we weren't participating. So, happy to hear that the other requester-based groups are starting to figure out how to best do this as well, because to a certain extent, it will be insider baseball, unless we proactively do what we can to get the word out. And you could argue that it's currently, right now, insider baseball, like trying to explain to people that no, this is no longer publicly available anymore. You have to do it a different way.

So, I think this is something we have to do, regardless if it's this system or something else. If you want to have access to data, you want to, if you want to request access to data, you're going to have to take some

additional steps. So, yay. I don't see any other hands. So, I'm going to suggest that we go to the next topic. So, I will shut up now and turn it back to Lori.

LORI SCHULMAN:

The next subject is the contract red lines. We were very appreciative of the outreach event that was held a few days ago that went pretty much line by line through the red lines. I think that was very helpful to the community. I think it was also helpful to the community to understand that there are guidelines and suggestions regarding implementation and compliance that will be key to how the amendments are interpreted and how they will be enforced. We do have prepared talking points for that, and I'm going to toss it over to Brian King.

BRIAN KING:

Thanks, Lori. This is Brian King for the record. We do have talking points, but first I would like to start with, again, if I sound like a broken record, expressing appreciation and congratulations to ICANN and the contracted parties on coming together so quickly and agreeing so quickly, agreeing at all, and agreeing so quickly on contract amendments for DNS abuse. There's plenty of gripes and nits and things that we could complain about, but I do want to start with and focus on this is a positive outcome, I think, and we appreciate the spirit and the substance of those edits. So, thanks and congratulations. I wish we could get more done so quickly, and I don't know how easy it was, but I'll say maybe easily, maybe not easily.

So, the first substantive point that we wanted to make is, or at least that I wanted to make, is there's a few things that we might like to see improved in the advisory, and so I hope maybe we could have a discussion here about some things that have come up this week. I don't think my first thought here is new, because I believe it came up the topic of the web forms that will be allowed in addition to the email address to receive abuse complaints. We have had challenges on the WHOIS requester side or in using web forms to reach out to registrants in lieu of an email address published after TempSpec redacted the registrant's email addresses. So, we were encouraged to hear Jamie from Compliance.

It was either Jamie or us or both that kind of gave us some assurances, which were heartening that the web forms would be robust enough, it would allow enough characters or allow for attachments to be submitted in the submission of abuse complaints, and so I think that's the spirit in which those amendments were negotiated. So, we're just hoping to kind of get a pulse check from the contracted parties that, that was the case. So, that's probably the first substantive thing that we have to talk about, and so I'd welcome any thoughts or discussion on that, and maybe we could start there. Thanks.

OWEN SMIGELSKI:

Thanks, Brian. This is Owen Smigelski. So, I just want to kind of caution these discussions about the advisory. While the contracted parties did work with ICANN for the amendments, the advisory is something that ICANN owns, and that's not subject to the public comment. I know people will be commenting on it. I've heard that. So, there's not that

much change that I think we can really discuss or commit to, and then also need to keep in mind that the advisory, while part of it is to provide guidelines on how ICANN compliance will approach it, it is for us, at least from the registrar side, a marketing tool for how we will be approaching the registrars who aren't here, who don't participate.

Our hope is that it will also get translated into other languages prior to the voting so that we can have those materials out there, and so we're very hesitant to make changes to that just because there are things that we spend a lot of time drafting, crafting in a way that promotes this as an item or doesn't make too much of a scary document. So, just wanted to put that kind of caveat out there. As for the web form I think that's it's not going to be I know there have been problems. We discussed them during the EPDP about certain forms not allowing a number of spaces or something, but if this is the way you're going to take an abuse complaint, that's got to be well evidenced. If it's not something that's going to allow the evidence or be well evidenced, then I fully expect compliance to take action against that.

LORI SCHULMAN: Any, Ashley, you're back in the queue. Yes, you are. Go ahead, please.

ASHLEY HEINEMAN: No, I just want to kind of reiterate what I've already put in chat in that we would never want to limit how much information you give us to make the reviewer request. And so, speaking just for GoDaddy, we will absolutely make sure that you have the ability to include attachments and won't be in any way trying to restrict your ability to provide us with

the information that we need. That being said, and we've kind of just started nothing has been agreed to yet, but we're talking about ways as a Registrar Stakeholder Group that we can help facilitate that as well so there's some consistency across the board. Maybe developing and recommending an approach to registrars web forms.

Ultimately they can use what they want, but we could recommend different aspects to it to have in a web form. So I think that's I just want to make sure that you all walk away here today, that this no intention whatsoever in making it harder for you to give us good evidence because that's exactly what we need.

LORI SCHULMAN:

Thank you, Ashley. And we see Michele and then Owen.

MICHELE NEYLON:

Thanks Michele again. Just so we're clear the proposed language doesn't say email is gone. It says we now will have the option to use web forms. Now that doesn't mean that we all will, but we would have the option, which is what we wanted. So I wouldn't see this as being some kind of impending doom scenario because some registrars, due to the small volume of these requests that we get and the small volume of abuse complaints we get in general, don't use complex web forms. But a GoDaddy will because they're dealing with a much larger volume and they need to triage them into departments.

I don't have 500 people working in compliance or abuse. I have like four or five people who look at the stuff as part of a much broader job that

they do. So if there's issues around these things, I'm sure most of us are more than happy to address them. But please don't assume that because we're going to be potentially moving to using web forms that they're going to be badly formatted.

LORI SCHULMAN: Thank you, Michele. And then we go to Owen.

OWEN SMIGELSKI: Thanks, Lori. This is Owen Smigelski. So I just one other thing is I understand there's some concern about not being able to submit enough information. I think that's a tendency from some of the parties in this room that report abuse. And I didn't realize it until I started receiving abuse complaints that were 20, 30 plus pages long. It doesn't need to be that long. Namecheap accepts abuse complaints via Twitter. So 240 characters, a screenshot, that's enough to report a phishing complaint.

You don't really need to go in details and tell us about how and I apologize to the IP attorneys here, how wonderful your clients trademarks are around the world and everything we're looking to see is that phishing. So you probably will get a faster response from shorter, direct complaints. People who are looking up these things are not lawyers and stuff like that. They're customer support team members generally. So that will probably be that. So I don't want to be too focused on how we'll be able to give you enough information because you give us way too much information already. Thanks.

LORI SCHULMAN:

Thank you, Owen. Alan is in the queue. And I want to just intervene one second and say I think that's an excellent point about lawyers submitting complaints to non-lawyers. And I think it's important in any socialization that we do that we sensitize lawyers to understand who their audience is, that they're not necessarily talking to another lawyer. And with that, Alan.

ALAN WOODS:

Thank you very much, Alan Woods for the record. So just as we're talking about forms and I feel an absence of the room of Graham Bunton and I'm going to today I'll be playing the role of Graham Bunton. One of those things and I think he could have a look at as well is and we should all be mindful of when we're trying to facilitate and to use the term in this one socialize and even market in this instance, the use of web forms and things like that to look at net beacon. Net beacon is there.

That is something that is it is tailor made by the DNS Abuse Institute, which is specifically there to identify what are those pertinent pieces of information? What is the information that is very useful and necessary when it goes to a registrar or a registry? So that's something that we could probably add to our own efforts, but also is a good reminder for people that something is out there that is effective and perhaps he could have a look at that. And again, we've talked about this in the last session when I can insert number here that it's a good socialization point as well, I think for that.

LORI SCHULMAN: Thank you, Alan. And next in the queue, did I see Reg? No, I see. It is Reg here.

REG LEVY: A little informal there. Just to follow on from Owen's point, you will get a faster response if you submit a short, succinct to the point report. If it is phishing, it is phishing. It doesn't matter how popular the bank is in a country that I'm not familiar with. Just tell me that there's a bank in a country that I'm not familiar with and maybe give me a link to the original site so that I can compare and say that, yes, this is in fact a copy of that site. I don't care if they have a trademark there or not. I don't need photos for sure. I need photos of like screenshots of the fish. I don't need screenshots of the trademark file.

LORI SCHULMAN: Thank you, Reg. Michele is that old hand, new hand? New? Michele.

MICHELE NEYLON: I'm going to put the link into the chat again. There are a number of documents published on the Registrar's Stakeholder Group website which includes guides to providing us with good actionable abuse reports. We keep on harping on about this, but a lot of the reports we get do include ridiculous amounts of information that we really don't care about. For the love of God, please, please, please, please, please, I beg you, would you get your members, your friends, your colleagues to provide actual full URLs, links to the alleged offending content?

There is no way on this earth that I am going to manually review a website with more than 100,000 pages to find that one purported breach of some obtuse trademark in some jurisdiction that is not particularly pertinent to me. Please provide an actual link to the offending content because there's no way for us to find it. And if it only works on mobile, we need to know that.

LORI SCHULMAN:

Michele, thank you. I see Brian's hand is up, but I'm going to jump into the queue myself for a moment to reflect on what you've just said, what I'm hearing, and I'm hoping all my colleagues are hearing. And this has been an issue at ICANN since memory, but I think even more urgent now with the automation of complaints and requests. And that is there is a legal culture that says if you're not doing your job, if you're not really fully explaining your position, which would be those pages that are difficult to read in a very fast engineering-oriented yes or no environment.

So I do think part of whatever we do from a promotional viewpoint is also going to have to be shifting our culture a bit. Because from the lawyer side of things, if you submit a 240-character complaint, your client is going to say, what are you doing? What are you using Twitter? What is that? So I think this is I'm hearing a problem that's actually going a little bit beyond web forms per se, but in terms of how the legal community is communicating with the technical community. So that's a bigger issue, but I want to flag that issue because I think it's critical. And then I will shoot this over to Brian King.

BRIAN KING:

Thanks, Lori. Brian King for the transcript. I'd like to put a fine point on the request that Mark and Phil have made in the chat, and that's that when anything is submitted via a web form as opposed to email, on the requester side, there's no record of it. And so the request from Mark and Phil is that an automated response is sent to the person who submitted the abuse complaint in the web form that contains all the stuff that they put into the web form because otherwise there's an information imbalance then after the fact, whereas firing off an email at least lets the requester save a copy of that email from the sent folder into the client file that's not possible if using a web form or even trying to screenshot a web form that may not have all the text if it scrolls through a box with a finite size. So that's the fine point on that request.

The other point that we want to make, and we'll file public comments on the red lines, you'll hear lots about what we're disappointed in, what else we want. So I don't think that's going to be any surprise. But I did want to kind of put an advance point about we've heard a lot about what could happen next this week, and we've heard a lot of assurances that these red lines are the first step. And I say this at the risk of undermining my first point that we are really congratulatory and appreciative of the red lines and what's happened. And we just wanted to kind of put an advance maybe start the conversation around what more can be done either in a PDP context or in further policy work about abuse.

I think we've heard a few things here that I hope will give comfort to the contracted parties that a narrowly scoped PDP on abuse could be could really be helpful and could help us achieve a lot of things like web forms and character limits or providing a copy of a web form submitted

response back to the requester. There's a lot of little things that I think a lot of little wins that could be achieved with a narrowly scoped PDP on abuse or a couple of them. So I want to just make a kind of point that we're excited to talk about that. I understand the ink needs to dry on these amendments first and kind of express willingness to do anything we can to help.

I don't know what that would look like but understand that you need to rally the troops and get many registrars and perhaps registries to approve the amendments and we're happy to do anything we can to help with that. But just want to make that point on DNS abuses that we'll say plenty in the public comments and that'll happen anyway. But I think there are real reasonable opportunities for narrowly scoped PDPs. Thanks.

LORI SCHULMAN:

Sure. Sorry I'm listening and then I forget to look at the queue. Mark Datysgeld you're up.

MARK DATYSGELD:

Thank you very much Mark Datysgeld. I will start on my role as a genocide counselor and then perhaps I'll shift. So right now I'm speaking on behalf of the council. During our last meeting we came to a conclusion on where we stand in terms of what Brian was discussing. We would like to see the amendments run their course. We would like to see the community reaches decisions and the stakeholders to find the right course for them. Of course we're hoping for a good outcome but for the moment PDP work will be contained.

Let's say it will be held back and we will reconvene on the subject once we are aware of what the results of the contract amendment negotiations were and at which point we will be able to assess and continue discussions on what would be necessary or not and align the expectations so that the CPH itself can bring to its counselors what their experience was and the NCPH community can bring its experiences and from there we would be able to gauge what would be a healthy way forward. So with that said I step out of my counselor role and speak on my own behalf.

If you will recall the final report on this multi-mundane DNS abuse one of the points that we emphasized a lot was communication which I keep hearing in this room in almost every intervention the need for communication whatever you would like to call it. And this is what I spent most of my week doing actually is going through the NCPH and explaining to them why this is good regardless of whether the scope could be bigger or it could be better. Yes, it could but this is a win. The community has achieved a win so let's take the win for it is and that part I feel needs to be socialized better. We need to be able to explain to people why this is good for insert group X here because every stakeholder has something to benefit directly from this.

There's no stakeholder group that's not going to benefit from this but how do we start reaching out to these different communities and explaining to them why is it good if you're a brand, why is it good if you're an NGO, why is it good if you are a reporter, if you're in the cybersec community and we could do that formally or we could just write posts on Circle ID, we could circulate it on blogs, we could the important thing is that we are cognizant of that so that we can keep the

community engaged and seeing the way we see it like we are making the internet better right. So I'm going to be working on that. I'll continue to work on that but very welcome to hear their impressions and see how to better expedite this. Thank you very much for your attention.

LORI SCHULMAN: We don't have a timer today but don't force us. Thank you, Mark. Ashley.

ASHLEY HEINEMAN: Yes, and just know we do have a 15 minute warning so I will start off by being as brief as I can. Agree with a lot of what you just said, Mark, and I think also in addition to building off of success, let's set ourselves up for success. So if we do go down a path of a PDP, what we've kind of seen through our experience is that keeping things narrowly scoped, keeping it very clear, having expected outcomes is so much better and you feel so much better when you complete things rather than trying to solve world hunger in one PDP. So if we do go down this path I do just encourage everyone take small bites where we can and at the end of the day you have something much bigger. So I just want to leave it there. Thanks.

LORI SCHULMAN: I'm noting a hand on the floor. So this is what we're going to do because we have a lot of hands also in the chat. So I'm going to go to Catherine

and then I'm going to go to Rick from the floor and then I'll jump back to Sam. Catherine, please go ahead.

CATHERINE MERDINGER: Thank you, Lori. This is Catherine Merdinger, name.com. Thanks for bringing up the PDPs. That's a good thing to remember and not forget about. I do want to make sure we're setting the right expectations for those as we've talked about. They're going to be small, targeted and whatnot. But I think we also need to expect set expectations for timing. We need to have, as you said, the amendments, the ink dry on the paper, but we also need to see what happens when these are implemented, when we can see how ICANN is taking action or escalating things to registrars. I think we all want to see maybe metrics for how many reports they're getting on this kind of stuff before we know exactly what needs to be dealt with in those PDPs.

So I'd imagine if we're talking about these amendments being effective next year, I don't think we see a PDP immediately following that. We need to have a little time to see how things are going. And I hope that's not controversial, I should say. But I want to make sure that we all set those expectations. The contracted parties are all on board for these PDPs. We're not trying to put them off to, like, delay anything. It's just that we need to know what landscape we're working in in order to create new policy. Thank you.

LORI SCHULMAN: Thank you very much, Sam. And I'm going to go to Rick. And I'm going to, again, Rick, say we've got 15 minutes.

RICK LANE: Me too well, Lori. So Mark mentioned that all the stakeholder groups are covered and get something out of this. And that's not actually 100% accurate. One group that doesn't get...

MASON COLE: This person, please state their name.

RICK LANE: Oh, I'm sorry. Rick Lane. And so one of those groups that is not getting, is not part of this are the child safety groups, which are incredibly important stakeholders in DNS abuse and access to WHOIS. And I found it very sad that as part of the original amendments coming out and definitions that CSAM, which is illegal in almost every country and is part of the UN Charter against sexually explicit materials of children, that that is not part of this part of the definition right now.

And I heard a lot about harm, like phishing harm and malware harm, but know what the harm is to a child or to an adult who has to see and know that themselves being raped is on a .com and can't do anything about it. It's not part of DNS. And so there's no question that it's illegal. It's not free speech. It's criminal around the world. And yet it's not part of the core definitions of what DNS abuse, because I think child abuse is DNS abuse when it's online. Thank you.

LORI SCHULMAN: Rick, thank you. And I think that's well noted to this group. And I know there are contracted parties with dedicated CSAM programs, but I do think your point about calling it out is well noted. Now with that, Sam, is that an old hand or a new hand that I see there?

SAMANTHA DEMETRIOU: The last one was actually Catherine.

LORI SCHULMAN: Oh, it's Catherine. Oh, my God, Sam. Sam, you're up. Then it's just.

SAMANTHA DEMETRIOU: Catherine. Maybe you should go back to being a blonde. Just kidding. I wanted to actually go back to Brian. We've been talking about the next steps in the PDP. That was sort of the thread we were on here. I love hearing the echoes from around the room about the need for narrowly scoped PDPs. This is something I've been beating a drum on for a while. So I love that we're all kind of coalescing around that. One thing I wanted to mention was. Prior to focusing on this amendment, both the Registries Stakeholder Group and the Registrar Stakeholder Group have working groups within our structures that are focused on DNS abuse.

And prior to beginning the work on the amendments, we had done a lot of outreach to other community groups to generate ideas of what things we can work on together. And I think now that we've gotten like that was one of the places that the idea for an amendment came up in addition to the really great work of the small team, Mark. So good on

that. So I think at least on the registry side, one of the things we've been talking about this week is using those working groups as a way to as a forum for discussing these ideas. Even before it bubbles all the way up to the council level. I think this is a potentially a really agile and nimble way for the community to come together.

And we can get those viewpoints from a bunch of different parts of the community. So we're really looking forward to kicking that off now that we've got the amendment kind of process underway and to Catherine's point about the timing. I think that's a really great forum where we can start generating ideas while we're still also seeing how the amendments kind of work out in practice. Just to quickly address the point that was just raised about the definition these contract amendments are part of the contracts and ICANN as we know in its bylaws has very strong statements about how ICANN does not regulate content.

I just want to make it very, very clear to echo Lori, what Lori said is I think almost all of us as contracted parties have terms of use that prohibit exactly the kind of content that Rick was referring to and that the absence of that material in the inclusion and the definition of DNS abuse is certainly by no means an endorsement or an acceptance of that kind of material. So I just want to be very clear about that. We're all on the same page when it comes to how hideous and deplorable that content is. So just to be clear.

LORI SCHULMAN:

Thank you, Sam. Thank you for the clarification. I want Jeff, I see you're in the queue, but I want to make sure there isn't anybody else from the floor. We may have missed jump up and down before I go on. Jeff.

JEFF BEDSER:

Hello. Sorry, guys. I'm at home trying to monitor a couple different meetings at the same time. But I want to echo what Sam said. There's a lot of things not in the definition, but registries and registrars do take action. I'll note just this past week with one of the registries that I run, there was an incident of human trafficking. And we got rid of right away. So it's not like registries and registrars don't do anything. And just because it's not in the definition doesn't mean that we're not trying. Also, I just want to I was well, let me use the same term you guys are using the Brian is I'm a little disappointed that you're basically in this room telling us how happy or not happy, but how encouraging you feel that we've done these amendments.

And then under the same breath saying, but you're going to express all this disappointment in the public comments. I think Owen said in the chat, we need to go out and sell this to the other registries and registrars. And that's not an easy task. There's a lot of votes that we need to support this. If you will use the public comment period to to mostly express disappointment, that will make our job a lot tougher. So I can't tell you what to file in public comments, and I'm not trying to. But perhaps saving those other things that you're disappointed or wish we had done for some other process would probably be most helpful to us. Simply because again, we are out there and we'll be out there trying to sell this. Thanks.

LORI SCHULMAN:

Hi, Jeff, I'm going to step in as president of the IPC at this moment. And say this, yes, we are committed to encouraging the passage of these

amendments and to help with any way we can in moving the ball forward on domain name abuse and addressing the issues. Terms of disappointments or what some in the IPC may look at as missed opportunities. We are going to highlight those to some degree, but please don't expect that we will be submitting 50 pages of criticism and disappointment. That is not what's going to happen. We are overall supportive. And when we go down to our final comments, we have passed around initial thoughts, which you may or may not have seen, but we do have initial talking points because we wanted to come here prepared.

So in that preparation, we identified what we see as very positive improvements. We have also identified what we consider a few missed opportunities. That being said, we have faith that when we are told that this is a good first step and the intention is it's a baseline and a foundation to build upon, which we have heard both from the registrars and registries, we believe that. And I'm going to end that there because I really don't want to belabor this session with the disappointments. I do believe they are worth discussion and maybe we do need another session before the end of the comment period to vet that.

But right now, given the time that we have, I'm going to discourage it because we have four minutes left. And I'm going to take -- we have Mason and Reg. Then I'm going to close down the queue. So please be quick. And we do have an item of any other business.

MASON COLE: Can I ask that Reg goes first and then me because I have an important piece of AOB, but I want to defer to Reg so that we can close off on this subject.

LORI SCHULMAN: Reg.

REG LEVY: I'm offended by the implication that because CSAM is not infrastructure abuse, that those on the negotiating team are not committed to action against it. These amendments were simply not the correct form to do so.

LORI SCHULMAN: That's well noted. So I want to just line up the AOBs. We have Mason, Sarah, and then I'm going to do the last piece of AOB.

MASON COLE: I just wanted to share with our contracted party friends that Lori has been chair of the CSG now for quite some time. She's put in a tremendous amount of work. She's been a very effective leader. And I just want to say on behalf of the BC and all our colleagues on the CSG side, thank you for all your hard work. And we look forward to having you continue to participate. Thank you, Lori.

LORI SCHULMAN: Hey, Sarah.

SARAH WYLD: Thank you. This is Sarah. I just want to verbalize a little bit of what happened in the chat when we finished talking about our DRS a while ago. It is certainly worth putting together perhaps a small team of CPH and CSG and ICANN people to work together to create materials and consider how best to share them since we're all trying to do the same thing, which is promoting awareness. I'm just not sure who's the best person to work with. So somebody let me know. Thank you.

LORI SCHULMAN: Thank you. And I see Jeff's comment. He found it odd to say there are disappointments, but we will not tell you them today. Jeff, in the interest of time, there's nothing odd or non-transparent, but we do need to be efficient with the time and put things in the right place. And with that, I am going to take the privilege of AOB. Once this AOB is discussed, we will be adjourned. And it's a love fest because we have a very special birthday today, Mason's birthday. So I want to say happy birthday to you. Happy birthday to you. Happy birthday, dear Mason. Happy birthday to you, and many more.

MASON COLE: You had the end on that point.

LORI SCHULMAN: So this meeting is adjourned happily.

[END OF TRANSCRIPTION]